

DOUGLAS GALANTER vs ACCESS FINANCE, , INC., et al.
GALANTER, DOUGLAS on 11/18/2024

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DOUGLAS GALANTER,

Plaintiff,

VS.

ACCESS FINANCE, INC. and LOS
ANGELES AUTO WHOLESALERS &
RECOVERY SERVICES, INC.,

Defendants.

CERTIFIED COPY

Case No. 2:23-cv-09466-
ODW (SSCx)

REMOTE DEPOSITION OF DOUGLAS GALANTER

MONDAY, NOVEMBER 18, 2024

1:32 P.M. - 4:28 P.M.

BY: J.D. COURT REPORTING, JOB REF. NO. 13465
Lisette Gatliff
CSR 12467

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5	Plaintiff,)		5		
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17	California.		17		
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2			2		
3	FOR THE PLAINTIFF:		3		
4	TRUEBLOOD LAW FIRM		4	INFORMATION REQUESTED	
5	BY: Alec Trueblood		5	None	
6	Attorney at Law		6		
7	10940 Wilshire Boulevard		7	QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER	
8	Suite 1600		8	PAGE LINE	
9	Los Angeles, California 90024		9	7 22	
10	(800)616-9325		10	8 4, 14, 18, 23	
11	FOR THE DEFENDANT:		11	12 22	
12	LAW OFFICE OF DAVID CRAIG BERNSTEIN		12	17 11	
13	BY: David Craig Bernstein		13	43 24	
14	Attorney at Law		14	44 5	
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16	Suite M-5		16	61 21	
17	Beverly Hills, California 90212		17	62 2, 16, 21	
18	(310)288-0854		18	63 16	
19	ALSO PRESENT:		19	64 21	
20	Juan Martinez		20	66 5, 12	
21			21	73 4	
22			22	111 8, 13, 16	
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<p style="text-align: right;">Page 6</p> <p>1 MONDAY, NOVEMBER 18, 2024</p> <p>2 1:32 P.M. - 4:28 P.M.</p> <p>3</p> <p>4 DOUGLAS GALANTER,</p> <p>5 having solemnly stated to tell the truth,</p> <p>6 was examined and testified as follows:</p> <p>7</p> <p>8 EXAMINATION</p> <p>9 BY MR. BERNSTEIN:</p> <p>10 Q. Good afternoon, Mr. Galanter. I'm David</p> <p>11 Bernstein. As you know, I represent Los Angeles Auto</p> <p>12 Wholesalers, et cetera.</p> <p>13 Could you please state and spell your name for</p> <p>14 the record.</p> <p>15 A. Douglas Galanter, G-A-L-A-N-T-E-R.</p> <p>16 Q. Do you have a middle name?</p> <p>17 A. Foster, F-O-S-T-E-R.</p> <p>18 Q. You've been a California-licensed attorney</p> <p>19 since around 1980; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. Would I be correct if I assume that you've</p> <p>22 taken witnesses' depositions in the past on many</p> <p>23 occasions?</p> <p>24 A. Yes.</p> <p>25 Q. And you've also defended many depositions?</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. BERNSTEIN: On what grounds?</p> <p>2 MR. TRUEBLOOD: What I just stated.</p> <p>3 BY MR. BERNSTEIN:</p> <p>4 Q. Do you believe you have an understanding of</p> <p>5 what you're seeking in this lawsuit?</p> <p>6 MR. TRUEBLOOD: Same objection.</p> <p>7 THE WITNESS: Do I answer, or are you instructing</p> <p>8 me?</p> <p>9 MR. TRUEBLOOD: I'm instructing you.</p> <p>10 MR. BERNSTEIN: You're instructing the witness not</p> <p>11 to answer what his expectation is?</p> <p>12 MR. TRUEBLOOD: I just instructed him.</p> <p>13 BY MR. BERNSTEIN:</p> <p>14 Q. Are you seeking emotional distress damages?</p> <p>15 MR. TRUEBLOOD: I'll instruct the witness not to</p> <p>16 answer.</p> <p>17 BY MR. BERNSTEIN:</p> <p>18 Q. Have you sustained emotional distress damages</p> <p>19 as a result of anything LAW did?</p> <p>20 MR. TRUEBLOOD: I'll instruct the witness not to</p> <p>21 answer.</p> <p>22 BY MR. BERNSTEIN:</p> <p>23 Q. Are you claiming my client caused you to</p> <p>24 suffer emotional distress?</p> <p>25 MR. TRUEBLOOD: I'll instruct the witness not to</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes.</p> <p>2 Q. So do you agree that most of the typical</p> <p>3 admonitions regarding perjury testimony, not speaking at</p> <p>4 the same time, et cetera, can be -- we don't need to go</p> <p>5 through those?</p> <p>6 A. I don't need those.</p> <p>7 Q. Have you ingested anything, eaten or drank</p> <p>8 anything, that you believe would interfere with your</p> <p>9 ability to give your best testimony here today?</p> <p>10 A. No.</p> <p>11 Q. You have no medical condition that would</p> <p>12 interfere with your ability to give your best testimony?</p> <p>13 A. No.</p> <p>14 Q. Okay. You understand that you're claiming</p> <p>15 damages in this case from my client?</p> <p>16 A. Yes.</p> <p>17 Q. What is it that you want?</p> <p>18 MR. TRUEBLOOD: Objection. You're asking the</p> <p>19 witness for a contention, which is improper under</p> <p>20 Rifkind v. Superior Court and other federal law.</p> <p>21 BY MR. BERNSTEIN:</p> <p>22 Q. I'm asking you what you want. You sued my</p> <p>23 client. Why? What do you want?</p> <p>24 MR. TRUEBLOOD: I'll instruct the witness not to</p> <p>25 answer.</p>	<p style="text-align: right;">Page 9</p> <p>1 answer.</p> <p>2 BY MR. BERNSTEIN:</p> <p>3 Q. Have you been to any doctor -- consulted with</p> <p>4 any doctor of any kind in connection with the</p> <p>5 repossession of the Honda?</p> <p>6 A. Do I answer that?</p> <p>7 MR. TRUEBLOOD: Yes.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. BERNSTEIN:</p> <p>10 Q. Do you have any physical symptoms that you</p> <p>11 suffered as a result of the repossession of the Honda?</p> <p>12 A. Well, I was angry and upset.</p> <p>13 Q. Anything else?</p> <p>14 A. Of physical symptoms?</p> <p>15 Q. Any kind of symptoms.</p> <p>16 A. Well, my family members are very upset, but</p> <p>17 that's -- that upset me more.</p> <p>18 Q. I'm just talking about your symptoms. You</p> <p>19 were angry; you were upset. Anything else?</p> <p>20 MR. TRUEBLOOD: Are you talking about physical</p> <p>21 symptoms?</p> <p>22 MR. BERNSTEIN: Any kind of symptoms.</p> <p>23 MR. TRUEBLOOD: Are you talking about emotional</p> <p>24 distress?</p> <p>25 MR. BERNSTEIN: Any kind of symptoms.</p>

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<p style="text-align: right;">Page 10</p> <p>1 MR. TRUEBLOOD: Vague and ambiguous.</p> <p>2 BY MR. BERNSTEIN:</p> <p>3 Q. So describe for me your anger. When did it</p> <p>4 start?</p> <p>5 A. On the day of the repossession of the vehicle.</p> <p>6 Q. Are you still suffering anger?</p> <p>7 A. To a degree, yes.</p> <p>8 Q. How did the anger manifest itself on September</p> <p>9 5, 2023?</p> <p>10 A. I was very upset.</p> <p>11 Q. Describe what you mean when you say you were</p> <p>12 very upset.</p> <p>13 A. I'm not sure how to describe it any more than</p> <p>14 that.</p> <p>15 Q. Well, this is my only opportunity to speak</p> <p>16 with you before the trial in this case. I'm trying to</p> <p>17 understand what symptoms -- physical, emotional, of any</p> <p>18 kind -- you attribute to the repossession of the</p> <p>19 vehicle. Other than what you've told me, is there</p> <p>20 anything else?</p> <p>21 MR. TRUEBLOOD: Compound.</p> <p>22 THE WITNESS: Well, I was upset when I found out</p> <p>23 about the repossession. I was upset that my daughter</p> <p>24 was upset -- very upset and stressed out about it. I</p> <p>25 felt stressed out about it. I don't know -- I don't</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. TRUEBLOOD: Anything else in terms of</p> <p>2 emotional, or what? Vague and ambiguous.</p> <p>3 THE WITNESS: I suppose it impacted my sleep. I</p> <p>4 was thinking about it. I don't recall any other</p> <p>5 specific symptoms other than what I've mentioned.</p> <p>6 BY MR. BERNSTEIN:</p> <p>7 Q. On September 5th, 2023, were there any other</p> <p>8 circumstances in your life that was causing emotional</p> <p>9 distress to you?</p> <p>10 A. No.</p> <p>11 Q. Was there a pending State Bar discipline</p> <p>12 proceeding going on at that time?</p> <p>13 A. No.</p> <p>14 Q. Where did you live on September 5th, 2023?</p> <p>15 A. 800 West First Street, Apartment 2905, Los</p> <p>16 Angeles, California 90012.</p> <p>17 Q. Who lived at the Springpark address?</p> <p>18 A. My daughter, Laurel, and her mother and my</p> <p>19 former spouse, Jan Perry.</p> <p>20 Q. Anybody else?</p> <p>21 A. No.</p> <p>22 Q. Are you claiming that you lost the use of your</p> <p>23 vehicle?</p> <p>24 MR. TRUEBLOOD: I'll instruct the witness not to</p> <p>25 answer. It's a contention question and improper under</p>
<p style="text-align: right;">Page 11</p> <p>1 know what else to say. I was upset and I was angry</p> <p>2 about it. I don't know -- that's about it. I don't</p> <p>3 know how else to describe it.</p> <p>4 BY MR. BERNSTEIN:</p> <p>5 Q. What kind of law practice do you have? Do you</p> <p>6 have a specialty?</p> <p>7 A. Business transactions, litigation,</p> <p>8 international work.</p> <p>9 Q. Has any of your work involved seeking damages</p> <p>10 for emotional distress from a defendant?</p> <p>11 A. On occasion.</p> <p>12 Q. Have you heard the phrase "activities of daily</p> <p>13 living" before?</p> <p>14 A. I've heard that, yes.</p> <p>15 Q. Did the repossession have any impact on your</p> <p>16 activities of daily living?</p> <p>17 MR. TRUEBLOOD: Vague and ambiguous. Lack of</p> <p>18 foundation.</p> <p>19 THE WITNESS: Well, being upset and stressed out</p> <p>20 and angry about it impacted me, yes.</p> <p>21 BY MR. BERNSTEIN:</p> <p>22 Q. I'm asking how it impacted you, sir.</p> <p>23 A. I felt upset, angry, and stressed out about</p> <p>24 it.</p> <p>25 Q. Anything else?</p>	<p style="text-align: right;">Page 13</p> <p>1 Rifkind v. Superior Court.</p> <p>2 BY MR. BERNSTEIN:</p> <p>3 Q. Did you lose the use of your vehicle as a</p> <p>4 result of the repossession?</p> <p>5 MR. TRUEBLOOD: You can answer.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. BERNSTEIN:</p> <p>8 Q. Did you ever get it back?</p> <p>9 A. Yes.</p> <p>10 Q. When?</p> <p>11 A. I don't remember the specific date, but it was</p> <p>12 sometime, I believe, in late April 2024.</p> <p>13 Q. And Access Finance returned the vehicle to</p> <p>14 you?</p> <p>15 A. Yes.</p> <p>16 Q. Who was the primary driver or user of the</p> <p>17 Honda in September of 2023?</p> <p>18 A. I was.</p> <p>19 Q. Why was it parked at Springpark when you lived</p> <p>20 at a different address?</p> <p>21 A. I was out of town, and occasionally I would</p> <p>22 loan it to my daughter for her use.</p> <p>23 Q. Is that why the vehicle was at Springpark on</p> <p>24 that day?</p> <p>25 A. I believe so, yes.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q. Does your daughter have a car?</p> <p>2 A. No, she does not.</p> <p>3 Q. Does your wife, Jan, have a car?</p> <p>4 A. Yes, she does.</p> <p>5 Q. So starting in January 2022, can you tell me</p> <p>6 the addresses you've resided at?</p> <p>7 MR. TRUEBLOOD: Objection. Privacy.</p> <p>8 THE WITNESS: My video froze. Oh, there it is.</p> <p>9 Can I answer?</p> <p>10 MR. BERNSTEIN: I thought you were in deep</p> <p>11 contemplation.</p> <p>12 MR. TRUEBLOOD: It's up to you, Doug.</p> <p>13 THE WITNESS: January 2022 I lived at the Promenade</p> <p>14 East in Downtown Los Angeles, 121 South Hope Street.</p> <p>15 BY MR. BERNSTEIN:</p> <p>16 Q. From when to when?</p> <p>17 A. Oh, I was there for 14 years.</p> <p>18 Q. Okay. When did you stop residing there?</p> <p>19 A. May of 2022.</p> <p>20 Q. Where did you go?</p> <p>21 A. My present address.</p> <p>22 Q. Which is what you've just provided to me a few</p> <p>23 minutes ago?</p> <p>24 A. Yes.</p> <p>25 Q. When did you buy the Honda?</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yes.</p> <p>2 Q. What's your understanding of who owns Hot</p> <p>3 Pilates, if anyone?</p> <p>4 A. It's owned by a woman. I don't recall her</p> <p>5 name sitting here right now. It's a Pilates studio.</p> <p>6 Q. At that time, September 2023, did anyone --</p> <p>7 did your wife or daughter work there?</p> <p>8 A. My daughter taught some classes there.</p> <p>9 Q. Did you incur any expense renting another</p> <p>10 vehicle during the period of time the Honda was not</p> <p>11 available to you?</p> <p>12 A. Yes.</p> <p>13 Q. How much?</p> <p>14 MR. TRUEBLOOD: How much in rental costs?</p> <p>15 BY MR. BERNSTEIN:</p> <p>16 Q. Any expenses involving the inability to use</p> <p>17 the vehicle?</p> <p>18 A. To the best of my recollection, the total</p> <p>19 rental charges from the time of the repossession until</p> <p>20 the time I got the car back were around \$9,000 or so.</p> <p>21 Q. And who paid that?</p> <p>22 A. I did. I'm still paying them.</p> <p>23 Q. What do you mean?</p> <p>24 A. Credit card balances.</p> <p>25 Q. Other than rental car expenses, did you incur</p>
<p style="text-align: right;">Page 15</p> <p>1 A. I acquired the Honda back in August or</p> <p>2 September of 2015.</p> <p>3 Q. In September of 2023 did you own or possess</p> <p>4 any other vehicles that you could have driven?</p> <p>5 A. No.</p> <p>6 Q. Do you know how long the vehicle had been at</p> <p>7 the Springpark address on September 5, 2023?</p> <p>8 MR. TRUEBLOOD: Vague and ambiguous.</p> <p>9 THE WITNESS: Yeah, I don't understand. Sorry.</p> <p>10 BY MR. BERNSTEIN:</p> <p>11 Q. Looking backwards in time from September 5,</p> <p>12 2023, how long had the car been parked there, kept at</p> <p>13 that address?</p> <p>14 A. I was out of town at the time for a few days,</p> <p>15 so it would have been like three to four days probably.</p> <p>16 Q. Is there a parking lot at the location you</p> <p>17 reside in at that time where you could have left the</p> <p>18 car?</p> <p>19 A. Well, there's a parking -- there's a parking</p> <p>20 garage at the building.</p> <p>21 Q. And you could have left the car there while</p> <p>22 you traveled, correct?</p> <p>23 A. I could have.</p> <p>24 Q. Have you heard of a business called Hot</p> <p>25 Pilates?</p>	<p style="text-align: right;">Page 17</p> <p>1 any other expense in connection with the repossession?</p> <p>2 A. Not that I recall sitting here.</p> <p>3 Q. You've testified there's no doctor bills in</p> <p>4 connection with the repossession, right?</p> <p>5 A. Correct. There are none.</p> <p>6 Q. When did you hire Mr. Trueblood?</p> <p>7 A. I think it was sometime in late September,</p> <p>8 early October 2023.</p> <p>9 Q. Did you know Mr. Trueblood before that time?</p> <p>10 A. No.</p> <p>11 Q. Do you have a contingency fee agreement?</p> <p>12 MR. TRUEBLOOD: Objection. Instruct the witness</p> <p>13 not to answer. Attorney-client privilege.</p> <p>14 Confidentiality under Business and Professions Code</p> <p>15 6068.</p> <p>16 BY MR. BERNSTEIN:</p> <p>17 Q. Have you paid any attorney's fees to your</p> <p>18 lawyer in connection with this matter?</p> <p>19 MR. TRUEBLOOD: Same objections, same instructions.</p> <p>20 Also irrelevant.</p> <p>21 BY MR. BERNSTEIN:</p> <p>22 Q. Have you seen the notice of your deposition</p> <p>23 for today?</p> <p>24 A. I have not.</p> <p>25 Did you send it to me?</p>

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<p style="text-align: right;">Page 18</p> <p>1 MR. TRUEBLOOD: I --</p> <p>2 THE WITNESS: I don't know. I just got back from a</p> <p>3 trip, so I may have missed it.</p> <p>4 BY MR. BERNSTEIN:</p> <p>5 Q. I'm going to share my screen.</p> <p>6 A. Okay. I see it.</p> <p>7 MR. BERNSTEIN: So here's the amended notice of</p> <p>8 continuance of deposition. As you can see, it's set for</p> <p>9 November 18th. I'm scrolling down because I want to get</p> <p>10 to the request for production of documents. And I can</p> <p>11 scroll up and down, however you -- whatever makes it</p> <p>12 easier.</p> <p>13 (Defendant's Exhibit A was marked for</p> <p>14 identification and is attached hereto.)</p> <p>15 BY MR. BERNSTEIN:</p> <p>16 Q. If you can look at it to see if you've seen it</p> <p>17 before.</p> <p>18 A. I have not seen this before.</p> <p>19 MR. TRUEBLOOD: For the record, we have a number of</p> <p>20 written objections to these document demands. I would</p> <p>21 suggest that you make those written objections part of</p> <p>22 the record at this time.</p> <p>23 MR. BERNSTEIN: I'm not seeing those objections.</p> <p>24 You can mark whatever you'd like to when it's time for</p> <p>25 direct or re-cross, whatever. Right now I want to go</p>	<p style="text-align: right;">Page 20</p> <p>1 BY MR. BERNSTEIN:</p> <p>2 Q. Has anyone told you that my client entered the</p> <p>3 parking garage at Springpark unlawfully?</p> <p>4 A. Yes.</p> <p>5 Q. Who told you that?</p> <p>6 MR. TRUEBLOOD: I just want to get an objection in</p> <p>7 here.</p> <p>8 THE WITNESS: Sorry.</p> <p>9 MR. TRUEBLOOD: Can you limit your questions in</p> <p>10 this line, David, to exclude attorney-client</p> <p>11 communications?</p> <p>12 MR. BERNSTEIN: We're all lawyers here. I assume</p> <p>13 that you understand my questions not to ask you to</p> <p>14 testify regarding communications with Mr. Trueblood that</p> <p>15 are, in fact, confidential? You understand that, Mr.--</p> <p>16 THE WITNESS: Correct.</p> <p>17 MR. TRUEBLOOD: Can you give me a running objection</p> <p>18 that's on attorney-client privilege then?</p> <p>19 MR. BERNSTEIN: Okay.</p> <p>20 MR. TRUEBLOOD: That's a yes?</p> <p>21 MR. BERNSTEIN: Okay means yes in my book.</p> <p>22 MR. TRUEBLOOD: Okay.</p> <p>23 BY MR. BERNSTEIN:</p> <p>24 Q. Mr. Galanter, you understand I don't want you</p> <p>25 to testify about what your lawyer said to you and what</p>
<p style="text-align: right;">Page 19</p> <p>1 through these.</p> <p>2 BY MR. BERNSTEIN:</p> <p>3 Q. Would you read Request for Production No. 1 to</p> <p>4 yourself, sir.</p> <p>5 A. Yes, I've read it.</p> <p>6 Q. Do you have any documents responsive to that?</p> <p>7 MR. TRUEBLOOD: I'll instruct the witness not to</p> <p>8 answer. Riffkind v. Superior Court. Asks for</p> <p>9 contentions.</p> <p>10 BY MR. BERNSTEIN:</p> <p>11 Q. Have you ever heard the phrase "breach of</p> <p>12 peace"?</p> <p>13 A. Yes.</p> <p>14 Q. What's your understanding of what that means?</p> <p>15 MR. TRUEBLOOD: Objection. Irrelevance.</p> <p>16 THE WITNESS: My understanding is that it involves</p> <p>17 various -- it could be any number of crimes or criminal</p> <p>18 activity, including, without limitation, trespass,</p> <p>19 breaking and entering, those sorts of things.</p> <p>20 BY MR. BERNSTEIN:</p> <p>21 Q. Has anyone told you that my client trespassed?</p> <p>22 MR. TRUEBLOOD: You can answer outside of the</p> <p>23 attorney-client privilege.</p> <p>24 THE WITNESS: Specifically using the word</p> <p>25 "trespass," no. Not specifically that.</p>	<p style="text-align: right;">Page 21</p> <p>1 you said to your lawyer that is confidential, correct?</p> <p>2 A. Correct. I am not disclosing any of those</p> <p>3 communications.</p> <p>4 Q. All right. So who told you that my client had</p> <p>5 unlawfully entered the parking garage?</p> <p>6 A. I am basing that upon conversations I had with</p> <p>7 my daughter and with Jan Perry, my former wife, and one</p> <p>8 or two other people residing at the same building, at</p> <p>9 6755 Springpark Avenue, about what they -- what they</p> <p>10 discovered at the parking garage.</p> <p>11 Q. So how many conversations did you have with</p> <p>12 your daughter?</p> <p>13 A. Oh, I don't recall. A number of them.</p> <p>14 Q. What did she say about what occurred? What</p> <p>15 did she tell you had occurred?</p> <p>16 A. That she came down to the garage and the car</p> <p>17 was gone.</p> <p>18 Q. Anything else?</p> <p>19 A. Something about the gate not being able to be</p> <p>20 opened or operated.</p> <p>21 Q. Anything else?</p> <p>22 A. Nothing specific I recall at this time.</p> <p>23 Q. Did you have written communications with your</p> <p>24 daughter via e-mail, text, or other kinds of</p> <p>25 communications that are documented or maintained?</p>

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1 A. We probably exchanged some text messages
2 around the time of the repossession, and we had
3 telephone calls.
4 **Q. Have you heard the name Cindy Gomez before?**
5 A. No.
6 **Q. Do you know who -- other than your wife and**
7 **your daughter, do you have the names of those other**
8 **persons that informed you that my client did something**
9 **wrong?**
10 A. No.
11 **Q. Do you know whether they were men or women?**
12 A. I'm trying to recall if I had -- who I had
13 direct communications with. I don't recall specifically
14 any direct communications other than with Jan and
15 Laurel.
16 **Q. I thought I understood you to testify a few**
17 **moments ago that you talked to two other people -- or**
18 **other people?**
19 A. I seem to recall having a communication or a
20 conversation with -- her first name is Gina. She lives
21 at the building. Because she had seen the gate after
22 the repossession.
23 **Q. Do you know Gina's last name?**
24 A. I don't recall the last name.
25 **Q. Do you know what unit she lives in?**

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1 A. One of the ground floor units. I can't
2 remember the number.
3 **Q. How did you come to speak to Gina regarding**
4 **this matter?**
5 A. Because she had been involved with trying to
6 get the gate working again after the repossession.
7 **Q. How did you come to speak with Gina about**
8 **that?**
9 A. I wanted -- when I got back to Los Angeles
10 after my trip back East, I wanted to find out what
11 happened.
12 **Q. Right. So did you go and see Gina in person?**
13 A. I spoke to her in person sometime after that.
14 **Q. And did you also speak to her on the**
15 **telephone?**
16 A. No.
17 **Q. Did you text Gina?**
18 A. No.
19 **Q. Did you e-mail Gina?**
20 A. No.
21 **Q. Tell me everything that Gina told you**
22 **regarding the repossession?**
23 A. Only that after the car went missing, the
24 gate -- the parking gate mechanism was looked at, and
25 the mechanism housing was off and to one side. It

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1 looked like there were fingerprints and dirt or dust all
2 over it. And the gate was off the track and had to be
3 fixed.
4 **Q. Did Gina tell you anything else?**
5 A. Not that I recall.
6 **Q. The repossession occurred on September 5th,**
7 **2023. Relative to that when did you speak to Gina?**
8 A. Probably within two or three weeks after that.
9 **Q. Do you believe that my client disabled the**
10 **gate in some way?**
11 A. Yes.
12 **Q. Why?**
13 A. Because the gate was operating perfectly fine
14 until around the time of the repossession, and then it
15 wasn't.
16 **Q. And how do you know that?**
17 A. Well, I was familiar with the gate, and the
18 gate was functioning perfectly for a long time. Then I
19 spoke to Jan, I spoke to Laurel, and I had spoken to
20 Gina. And after the car was taken, the gate was not
21 working.
22 **Q. When did you return from your trip?**
23 A. Probably -- I think it was around September 7
24 or 8, one of those two days.
25 **Q. Did someone tell you the gate was not working**

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1 **on September 5th and 6th?**
2 A. Yes.
3 **Q. Who?**
4 A. Jan told me that.
5 **Q. Anyone else?**
6 A. No. Not around that time, no.
7 **Q. What about ever?**
8 A. Well, I spoke to Gina, as I testified.
9 **Q. Okay. Did Gina tell you that the gate was**
10 **working perfectly fine until a particular day?**
11 A. She may have. She probably did. Everybody --
12 you know, we all knew the gate had been working just
13 fine before then.
14 **Q. How long had you been away?**
15 A. I think I was away about five days, four or
16 five days.
17 **Q. And when was the last time prior to departing**
18 **on your trip back East that you had visited the premises**
19 **and used the gate?**
20 A. Probably the day that I left.
21 **Q. Do you have a clicker in the car, or do you**
22 **keep it somewhere else?**
23 A. There's a gate opener in the car.
24 **Q. Going back to Exhibit A, which is the request**
25 **for production of documents, you testified you've never**

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<p style="text-align: right;">Page 26</p> <p>1 seen this before. Have you produced any documents</p> <p>2 today?</p> <p>3 A. Today? No.</p> <p>4 Q. Yes.</p> <p>5 A. Well, other than anything my attorney</p> <p>6 produced. I haven't produced anything today.</p> <p>7 Q. Have you given any documents to your attorney</p> <p>8 to produce at any time?</p> <p>9 A. Yes.</p> <p>10 Q. What did you give your attorney to produce?</p> <p>11 A. I think whatever he produced to you.</p> <p>12 Photographs, correspondence, e-mails.</p> <p>13 Q. What were the photographs of?</p> <p>14 A. The gate and the gate mechanism, as I recall.</p> <p>15 Q. Do you know who took those?</p> <p>16 A. I think Jan took some of them. She may have</p> <p>17 gotten some from Gina, the person I mentioned before. I</p> <p>18 think she texted me a number of photographs.</p> <p>19 Q. Do you know who took the photos?</p> <p>20 A. Either Jan or Gina did.</p> <p>21 Q. Do you still have the text where they were</p> <p>22 texted to you?</p> <p>23 A. I may. I'm not sure.</p> <p>24 Q. Did you understand that that was something to</p> <p>25 be produced?</p>	<p style="text-align: right;">Page 28</p> <p>1 supporting your contention that you resided at the</p> <p>2 premises," which was defined as Springpark Avenue, "on</p> <p>3 the date the vehicle was repossessed."</p> <p>4 You will see this when I put them as an</p> <p>5 exhibit that we have stated we have no such documents.</p> <p>6 MR. BERNSTEIN: Ms. Reporter, would you read back</p> <p>7 my question, please.</p> <p>8 (The record was read as follows:</p> <p>9 "Q. So going now to Request for</p> <p>10 Production No. 2, which refers to leases.</p> <p>11 Is there a lease between you and the</p> <p>12 Springpark property management company</p> <p>13 or HOA?")</p> <p>14 THE WITNESS: No.</p> <p>15 BY MR. BERNSTEIN:</p> <p>16 Q. Are there utility bills that you pay for a</p> <p>17 Springpark apartment?</p> <p>18 A. No.</p> <p>19 Q. Do you contend that you resided at the</p> <p>20 Springpark -- strike that. Withdrawn.</p> <p>21 You testified that you did not reside at the</p> <p>22 Springpark apartment on September 5 when the car was</p> <p>23 repossessed, right?</p> <p>24 A. Correct. I did not reside there.</p> <p>25 Q. Did you ever reside there?</p>
<p style="text-align: right;">Page 27</p> <p>1 MR. TRUEBLOOD: Objection. Not necessarily. But</p> <p>2 we have produced texts between Ms. Perry and Mr.</p> <p>3 Galanter.</p> <p>4 BY MR. BERNSTEIN:</p> <p>5 Q. Do you remember my question? Do you</p> <p>6 understand --</p> <p>7 A. Yeah, I understand. I understand.</p> <p>8 Q. Did you produce the texts sending you the</p> <p>9 photos?</p> <p>10 A. I believe I sent everything I had to</p> <p>11 Mr. Trueblood for --</p> <p>12 Q. Well, I'm specifically asking you about texts</p> <p>13 from Jan --</p> <p>14 A. That would have included any texts, I believe.</p> <p>15 Q. I don't -- those have not been produced.</p> <p>16 MR. TRUEBLOOD: They have been produced, actually.</p> <p>17 MR. BERNSTEIN: Well, we'll go through them and</p> <p>18 we'll see.</p> <p>19 BY MR. BERNSTEIN:</p> <p>20 Q. So going now to Request for Production No. 2,</p> <p>21 which refers to leases. Is there a lease between you</p> <p>22 and the Springpark property management company or HOA?</p> <p>23 MR. TRUEBLOOD: Hold on. We've objected to Request</p> <p>24 No. 2, which is, quote, "All leases, agreements,</p> <p>25 contracts, utility bills, e-mails, and text messages</p>	<p style="text-align: right;">Page 29</p> <p>1 A. No.</p> <p>2 Q. Request for Production No. 3 asks for</p> <p>3 documents supporting the claim that LAW Recovery broke</p> <p>4 into the apartment house.</p> <p>5 Let me ask this question: Other than what</p> <p>6 you've already told me, are you able to identify any</p> <p>7 documents -- like a video recording, audio recording, or</p> <p>8 anything -- depicting my client breaking into the</p> <p>9 garage?</p> <p>10 A. No, no.</p> <p>11 Q. Has anyone told you that there's a video</p> <p>12 recording of my client breaking into the garage?</p> <p>13 MR. TRUEBLOOD: Objection. Attorney-client</p> <p>14 privilege.</p> <p>15 MR. BERNSTEIN: I thought you wanted a running</p> <p>16 objection to that.</p> <p>17 MR. TRUEBLOOD: I'm going to make it clear.</p> <p>18 Subject to that, of course he can answer.</p> <p>19 MR. BERNSTEIN: Well, then we don't need a running</p> <p>20 objection. You can make your objections.</p> <p>21 BY MR. BERNSTEIN:</p> <p>22 Q. But, again, has anyone told you there's a</p> <p>23 video recording depicting my client entering into the</p> <p>24 premises?</p> <p>25 A. Not that I recall, no.</p>

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1 Q. Have you ever seen a video recording depicting
2 my client entering the premises?
3 A. No.
4 Q. Has Jan ever told you they're aware of a video
5 recording depicting my client entering the premises?
6 A. No.
7 Q. Has Laurel ever told you that?
8 A. No.
9 Q. Has Gina ever told you that?
10 A. No.
11 Q. Has anyone else residing at the premises told
12 you that?
13 A. No.
14 Q. Other than Mr. Trueblood, has anyone ever told
15 you there's a video recording?
16 A. I think I've answered that.
17 Q. Okay. Have you checked the surrounding areas
18 to see if there's video recordings from a Ring doorbell
19 or something at the area?
20 A. As I recall -- I'm trying to remember. I
21 think around the time I had called the sheriff's
22 department because -- when the car went missing on that
23 day, September 5, we weren't sure if it had been stolen
24 or otherwise taken, so we called the sheriff's
25 department. I believe I asked whether there were any

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1 video cameras back there, but they didn't know. And
2 I've never seen any.
3 Q. Who did you ask if there were any video
4 cameras?
5 A. The person I spoke to at the sheriff's
6 department.
7 Q. How would they know whether there are video
8 cameras at the location?
9 A. I don't know.
10 Q. Was a police report made of your report of the
11 theft of the vehicle?
12 A. No.
13 Q. Do you have in your possession any documents
14 relating to your report to the sheriff's department?
15 A. No.
16 Q. Did you talk to the sheriff's department on
17 more than one occasion?
18 A. No.
19 Q. What did the person you spoke to at the
20 sheriff's department tell you?
21 A. At some point in the conversation they told me
22 that their information was the car had been repossessed.
23 Q. Did you talk to the sheriff or the LAPD? Do
24 you know?
25 A. Sheriff's department.

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1 Q. Is Springpark outside the city of Los Angeles?
2 A. I believe it is.
3 Q. I asked you a series of questions regarding
4 video recordings depicting my client entering into the
5 parking garage, and you've answered. What about
6 photographs? Same questions. Have you seen any photos
7 depicting my client entering into the parking garage?
8 A. I have not, no.
9 Q. Has anyone told you that they possess
10 photographs depicting my client entering into the
11 parking garage?
12 A. Not that I recall.
13 Q. Same questions for audio recordings. Has
14 anyone told you that they possess audio recordings of my
15 client entering the parking garage?
16 A. No.
17 Q. Request No. 5 refers to evidence that you were
18 not in default of your car note for the Honda on
19 September 5th. Would I be correct that you do not
20 dispute that you were in default on your car note on
21 September 5th?
22 A. Correct. I don't dispute that.
23 Q. For how long had you been in default?
24 A. I don't recall specifically. Several months
25 probably.

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1 Q. And during the period of time you were in
2 default of the car note for the Honda, you had multiple
3 conversations with Access Finance representatives,
4 correct?
5 A. I don't believe so.
6 Q. Do you believe that anyone tried to call your
7 daughter in connection with your car note?
8 A. I believe they did --
9 Q. Who?
10 A. -- based upon what she told me.
11 Q. Who?
12 A. I don't have a name.
13 Q. What did your daughter tell you regarding
14 telephone calls?
15 A. That she had been called a number of times.
16 Q. What else?
17 A. And that whoever she spoke to, she told them
18 not to call her anymore.
19 Q. Anything else?
20 A. No, not that I recall.
21 Q. Did she tell you whether it was a man or a
22 woman?
23 A. I believe she said it was a man.
24 Q. Did she tell you on how many occasions she had
25 been called?

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1 A. No. It was probably two to four times,
2 something like that.
3 **Q. So you understand the difference between an**
4 **estimate and a guess, correct?**
5 A. I do. So that's my estimate.
6 **Q. What's that based on?**
7 A. Based on my conversations with her.
8 **Q. Okay. Did you ever ask her to preserve her**
9 **telephone records of those calls?**
10 A. Did I ask to -- could you repeat the question?
11 **Q. Did you ask your daughter to preserve**
12 **telephone records of the telephone calls?**
13 A. I don't believe I asked her, no.
14 **Q. Do you know whether or not she did?**
15 A. I don't know.
16 **Q. You've never asked her if she has a record of**
17 **phone calls?**
18 A. I may have. I don't recall specifically.
19 **Q. Did anybody else ever tell you that he or she**
20 **had received phone calls in connection with the Honda**
21 **and the default?**
22 MR. TRUEBLOOD: Objection. Attorney-client
23 privilege.
24 THE WITNESS: I'm sorry, the question is if anyone
25 other than Laurel told me --

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1 BY MR. BERNSTEIN:
2 **Q. Yes.**
3 A. -- that they had received phone calls?
4 **Q. Yes.**
5 A. Not that I recall.
6 **Q. You have no reason to believe that LAW**
7 **Recovery made those calls, right?**
8 A. I neither have a reason to believe that or not
9 a reason to believe that. Oh, you know what? I do
10 recall Laurel telling me about one phone call she
11 received where the person told her, We're just looking
12 for the car to pick it up.
13 **Q. You don't know if that came from Access**
14 **Finance or not, right?**
15 A. I don't know specifically.
16 **Q. And yet you sued LAW Recovery for allegedly**
17 **calling, right?**
18 A. Whatever is in the complaint.
19 **Q. Are you aware of any other person -- strike**
20 **that. Withdrawn.**
21 **Has any other person other than counsel told**
22 **you that he or she had received telephone calls that**
23 **related to your default of the Honda car note?**
24 A. Other than what I've testified to so far, no.
25 **Q. Have you ever been involved in litigation**

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1 **involving the State or Federal Fair Debt Collection**
2 **Practices Act?**
3 A. You mean whether I've ever represented a
4 client in that kind of litigation?
5 **Q. Yes.**
6 A. Maybe about 10 or 15 years ago, one case.
7 **Q. And were you representing a person who, or a**
8 **company, who claimed the statutes had been violated, or**
9 **were you defending it?**
10 A. I was representing the plaintiff.
11 **Q. And you filed a lawsuit alleging violation of**
12 **the State and/or Federal Fair Debt Collection Practices**
13 **Act?**
14 A. You know, it's been a long time, but that's my
15 recollection. One case.
16 **Q. What was the allegation in that case?**
17 A. Something to do with information that
18 plaintiff reported to a credit reporting bureau. It's
19 been so long, I can't remember the details specifically.
20 But it involved something of that nature.
21 **Q. Did it involve an allegation that the**
22 **defendant in that case was a debt collector?**
23 A. I don't think so.
24 **Q. You testified about anger and being upset, and**
25 **you've testified about out-of-pocket expense for loss of**

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1 **use of the Honda. I just want to make sure I understand**
2 **your testimony. I think you testified -- correct me if**
3 **I'm mistaken -- that you incurred no other out-of-pocket**
4 **expense in connection with the repossession; right?**
5 A. I'm trying to think if any -- if I incurred
6 anything else that might have been related to that. The
7 only other thing that I can think of is I had to
8 maintain auto insurance payments during that period of
9 time. So there's that.
10 **Q. How much was that?**
11 A. I'd have to go back and look. Probably in the
12 neighborhood of 250 to \$300 a month perhaps.
13 **Q. For that one vehicle?**
14 A. Yeah.
15 **Q. Did Laurel pay for any of the expenses**
16 **relating to her use of the vehicle?**
17 A. Some.
18 **Q. What was your agreement with Laurel regarding**
19 **that?**
20 A. Well, she was my daughter, so I wasn't harshly
21 imposing conditions on her. But she would pay for gas
22 and sometimes contribute to insurance payments.
23 **Q. Do you have an agreement with your daughter**
24 **regarding reimbursement of expenses for using the**
25 **vehicle?**

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<p style="text-align: right;">Page 38</p> <p>1 A. Not a formal agreement, no.</p> <p>2 Q. She would pay for gas and insurance. What</p> <p>3 about the car note?</p> <p>4 A. No.</p> <p>5 Q. So when you defaulted on the car note several</p> <p>6 months prior to the repossession, did you ask Jan or</p> <p>7 Laurel to help you pay for it?</p> <p>8 A. No.</p> <p>9 Q. Why not?</p> <p>10 A. I just didn't. I chose not to.</p> <p>11 Q. I'm asking why you chose not to.</p> <p>12 A. Personal reasons.</p> <p>13 Q. Did they know that you were in default?</p> <p>14 A. I don't know.</p> <p>15 Q. Well, did you tell them you were in default?</p> <p>16 A. I'm not sure why this is relevant.</p> <p>17 Q. Did you tell them that you were in default?</p> <p>18 A. I may have. I don't recall specifically.</p> <p>19 Q. Well, when you learned the car was missing and</p> <p>20 you knew that you were in default by several months at</p> <p>21 least on this car note, why do you believe it was</p> <p>22 stolen?</p> <p>23 A. Because it was missing. So first reaction was</p> <p>24 it may have been stolen, we need to check on that.</p> <p>25 Q. Have you ever talked to anyone at LAW</p>	<p style="text-align: right;">Page 40</p> <p>1 Finance after the repossession where we discussed return</p> <p>2 of the vehicle, et cetera. I guess that refers to --</p> <p>3 that would refer somehow to repossession. But other</p> <p>4 than that -- other than him, no.</p> <p>5 BY MR. BERNSTEIN:</p> <p>6 Q. You have text messages with Mr. Shraga?</p> <p>7 A. No.</p> <p>8 Q. E-mail?</p> <p>9 A. I have e-mails with him concerning the</p> <p>10 settlement that we entered into.</p> <p>11 Q. Did Mr. Shraga and you discuss or talk about</p> <p>12 LAW Recovery?</p> <p>13 My client, by the way, is Los Angeles Auto</p> <p>14 Wholesalers, but the abbreviated name is LAW Recovery,</p> <p>15 just so the record is clear.</p> <p>16 A. I believe in one of our conversations he</p> <p>17 mentioned LAW Recovery as having possession of the</p> <p>18 vehicle and that they would be bringing it to his office</p> <p>19 so that I could pick it up. Other than that, I don't</p> <p>20 remember any specific reference.</p> <p>21 Q. So that was shortly after September 5th?</p> <p>22 A. Oh, let me correct that. If I recall, he did</p> <p>23 send me an e-mail giving me the contact -- the phone</p> <p>24 number for LAW Recovery after the repossession.</p> <p>25 Q. Okay. Did Mr. Shraga ever say anything</p>
<p style="text-align: right;">Page 39</p> <p>1 Recovery?</p> <p>2 A. No.</p> <p>3 Q. Have you ever signed anything for LAW</p> <p>4 Recovery?</p> <p>5 A. No.</p> <p>6 Q. Have you ever been to any LAW Recovery</p> <p>7 premises?</p> <p>8 A. No.</p> <p>9 Q. Have you obtained any witness statements,</p> <p>10 written witness statements, that refer to the</p> <p>11 repossession?</p> <p>12 A. No. No, I don't think so.</p> <p>13 Q. Other than Jan, Laurel, and Gina, are you</p> <p>14 aware of any other person who observed the repossession?</p> <p>15 Pardon me. Let me withdraw that because I misspoke.</p> <p>16 Other than Jan, Laurel, and Gina, has anyone</p> <p>17 told you that they have information regarding the</p> <p>18 repossession? I'm excluding Mr. Trueblood.</p> <p>19 A. I'm not sure what you mean by information</p> <p>20 concerning the repossession.</p> <p>21 Q. I mean facts that refer to the repossession of</p> <p>22 the Honda?</p> <p>23 MR. TRUEBLOOD: Vague and ambiguous.</p> <p>24 THE WITNESS: Well, that would -- I mean, I've had</p> <p>25 a number of conversations with Mr. Shraga of Access</p>	<p style="text-align: right;">Page 41</p> <p>1 regarding what LAW Recovery did or did not do in</p> <p>2 connection with the repossession?</p> <p>3 A. Other than they had the vehicle, I don't</p> <p>4 recall anything else.</p> <p>5 Q. Did you tell Mr. Shraga that you believed that</p> <p>6 the car had been unlawfully repossessed?</p> <p>7 A. I think I did in an e-mail.</p> <p>8 Q. What did he say?</p> <p>9 A. I think he responded and denied that, but I</p> <p>10 don't recall specifically.</p> <p>11 Q. Did you give that e-mail to Mr. Trueblood?</p> <p>12 A. I believe I did.</p> <p>13 Q. Okay.</p> <p>14 MR. BERNSTEIN: I'm going to mark as Exhibit B the</p> <p>15 first amended complaint with three causes of action.</p> <p>16 (Defendant's Exhibit B was marked for</p> <p>17 identification and was retained by</p> <p>18 counsel.)</p> <p>19 BY MR. BERNSTEIN:</p> <p>20 Q. Do you see it there?</p> <p>21 A. Yes.</p> <p>22 Q. Have you read over the first amended</p> <p>23 complaint?</p> <p>24 A. I believe I did around the time it was filed.</p> <p>25 Q. Okay. On paragraph 2 it says, "LAW Recovery</p>

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<p style="text-align: right;">Page 42</p> <p>1 repossessed plaintiff's vehicle on or about September 5</p> <p>2 by entering private property, which was secured by a</p> <p>3 closed and locked security gate, without the owner's</p> <p>4 permission."</p> <p>5 Do you see that sentence?</p> <p>6 A. Yes.</p> <p>7 Q. Who is the owner, as far as you understand it?</p> <p>8 A. The owner of what?</p> <p>9 Q. The owner that's referred to here?</p> <p>10 A. Do you want my understanding? Can I provide</p> <p>11 that?</p> <p>12 Q. Well, you read this before --</p> <p>13 A. My understanding is the owner or owners of the</p> <p>14 condo building.</p> <p>15 Q. Okay. And how do you know they didn't give</p> <p>16 permission?</p> <p>17 A. My understanding, from having knowledge of the</p> <p>18 residents in that building and how they value privacy</p> <p>19 and security, et cetera, et cetera -- they would have</p> <p>20 never given permission to anyone just to come into the</p> <p>21 garage to take a car. So I believe that never happened</p> <p>22 and would not have happened.</p> <p>23 Q. Well, how do you know the owner did not give</p> <p>24 permission to enter the premises to effect a</p> <p>25 repossession?</p>	<p style="text-align: right;">Page 44</p> <p>1 repossession the vehicle?</p> <p>2 MR. TRUEBLOOD: Instruct the witness not to answer.</p> <p>3 Contention question. Rifkind v. Superior Court.</p> <p>4 BY MR. BERNSTEIN:</p> <p>5 Q. I'm asking for facts that lead to your</p> <p>6 conclusion that the condo board did not grant permission</p> <p>7 to LAW Recovery to repossess the car.</p> <p>8 MR. TRUEBLOOD: Instruct the witness not to answer.</p> <p>9 Same objection.</p> <p>10 BY MR. BERNSTEIN:</p> <p>11 Q. Do you know the identities of any of the condo</p> <p>12 board members?</p> <p>13 A. Well, I believe I said Gina.</p> <p>14 Q. Do you know the identities of any others?</p> <p>15 A. I don't know their names.</p> <p>16 Q. Do you know how many there are?</p> <p>17 A. I don't know that either.</p> <p>18 Q. Have you ever e-mailed Gina?</p> <p>19 A. No.</p> <p>20 Q. Have you ever texted Gina?</p> <p>21 A. I don't believe so.</p> <p>22 Q. Did you ever communicate in writing, text,</p> <p>23 e-mail, letter with any member of the HOA board?</p> <p>24 A. About anything?</p> <p>25 Q. About the repossession, sir.</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I would have been told about it.</p> <p>2 Q. By whom?</p> <p>3 A. By members of the condo board or the president</p> <p>4 of the condo board.</p> <p>5 Q. Did you ever talk to members of the condo</p> <p>6 board?</p> <p>7 A. Oh, Gina was on the condo board, so she knows.</p> <p>8 Q. Did you talk to anyone else on the condo</p> <p>9 board?</p> <p>10 A. No.</p> <p>11 Q. Do you know the identities of anyone on the</p> <p>12 condo board?</p> <p>13 A. I don't know their names.</p> <p>14 Q. So you don't know, do you, whether another</p> <p>15 member of the condo board granted LAW Recovery</p> <p>16 permission to go in and repossess the car, right?</p> <p>17 A. Let's put it this way: It's extremely</p> <p>18 doubtful to me that anyone would have done that, and I</p> <p>19 doubt strongly that it ever happened. But is it in the</p> <p>20 realm of possibility? Perhaps. But I highly doubt it.</p> <p>21 Q. Well, we're all lawyers. You're a lawyer. We</p> <p>22 deal in facts. You've been involved in litigation since</p> <p>23 1980.</p> <p>24 Are you aware of a single fact showing that</p> <p>25 the condo board did not give LAW Recovery permission to</p>	<p style="text-align: right;">Page 45</p> <p>1 A. No, I did not.</p> <p>2 Q. So would I be correct that when -- well,</p> <p>3 withdrawn.</p> <p>4 Did you read this complaint before it was</p> <p>5 filed?</p> <p>6 A. I believe I testified to that, yes.</p> <p>7 Q. I'm sorry, I thought you said you read it, but</p> <p>8 I didn't understand it was before it was filed. That's</p> <p>9 fine.</p> <p>10 MR. BERNSTEIN: Exhibit C is a pleading that's</p> <p>11 entitled "Plaintiff's Initial Disclosures."</p> <p>12 (Defendant's Exhibit C was marked for</p> <p>13 identification and was retained by</p> <p>14 counsel.)</p> <p>15 THE WITNESS: Before we get into this document,</p> <p>16 could I take a five-minute restroom break? Is that</p> <p>17 okay?</p> <p>18 MR. BERNSTEIN: Yeah, of course. That's okay. Off</p> <p>19 the record.</p> <p>20 (Brief recess.)</p> <p>21 BY MR. BERNSTEIN:</p> <p>22 Q. Without disclosing the contents of any</p> <p>23 conversations you may have had with Mr. Trueblood, did</p> <p>24 you speak with Mr. Trueblood during the break?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q. Did you speak with anybody regarding the case?</p> <p>2 A. No. There's no one here but me.</p> <p>3 Q. Okay. Let's go back to sharing the screen. I</p> <p>4 was asking you about Exhibit C, which are plaintiff's</p> <p>5 initial disclosures.</p> <p>6 A. Okay.</p> <p>7 Q. Have you seen this before?</p> <p>8 A. I think I did. I think I have.</p> <p>9 Q. All right. So I'm scrolling down. There's a</p> <p>10 category for witnesses, and your name appears, Laurel,</p> <p>11 and number 3 is Cindy Gomez. I asked you who that was</p> <p>12 earlier. Does reading this refresh your recollection</p> <p>13 who Cindy Gomez is?</p> <p>14 A. I believe she's an employee at Hot Pilates.</p> <p>15 Q. Did you ever speak with her?</p> <p>16 A. I have not. Well, I have to say I may have</p> <p>17 been introduced to her at one time. But I can't put the</p> <p>18 name with the person I met.</p> <p>19 Q. Do you see on line 14 it says, quote, "This</p> <p>20 witness has knowledge of prohibited third-party phone</p> <p>21 calls"?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know what that referred to?</p> <p>24 A. I believe it refers to some phone calls that</p> <p>25 were made directly to Hot Pilates looking to speak to</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Yes.</p> <p>2 Q. Did Laurel tell you anything else, why they</p> <p>3 were calling, for instance?</p> <p>4 A. I don't recall anything more than what I</p> <p>5 testified to.</p> <p>6 Q. And you're not aware of any fact -- strike</p> <p>7 that.</p> <p>8 No one's told you that it was LAW Recovery who</p> <p>9 made these calls, right?</p> <p>10 A. I don't believe so.</p> <p>11 Q. And you're not aware of any information that</p> <p>12 leads you to believe that LAW Recovery made the calls as</p> <p>13 opposed to Access Finance, correct?</p> <p>14 A. Sitting here today, not specifically. I don't</p> <p>15 recall anything specific.</p> <p>16 Q. What's your best recollection of when the</p> <p>17 calls were received by Cindy Gomez?</p> <p>18 A. Well, to the best of my recollection it would</p> <p>19 have been around the July or August time frame, sometime</p> <p>20 within those two months. I don't remember anything more</p> <p>21 specific than that.</p> <p>22 Q. Have you told me everything you recall</p> <p>23 regarding Cindy Gomez's knowledge regarding the</p> <p>24 repossession or the calls?</p> <p>25 A. I believe so.</p>
<p style="text-align: right;">Page 47</p> <p>1 Laurel.</p> <p>2 Q. And how do you know -- pardon me.</p> <p>3 To speak with Laurel you said?</p> <p>4 A. Yes.</p> <p>5 Q. And how do you know that?</p> <p>6 A. Laurel informed me about it.</p> <p>7 Q. What did Laurel tell you regarding these phone</p> <p>8 calls?</p> <p>9 A. That someone was calling there looking for her</p> <p>10 and also looking for me.</p> <p>11 Q. So just to make sure I understand this --</p> <p>12 A. Let me finish. And that her manager there,</p> <p>13 who I believe was Cindy Gomez -- one of the managers of</p> <p>14 the Hot Pilates had spoken to this person and taken a</p> <p>15 message from this person on one or more occasions.</p> <p>16 Q. And did anyone tell you what the message was?</p> <p>17 A. That they were calling and looking for Laurel</p> <p>18 and also, I believe, looking for me.</p> <p>19 Q. And did anyone tell you anything more about</p> <p>20 what the message was -- or messages were?</p> <p>21 A. No. I don't recall.</p> <p>22 Q. So your understanding as you sit here today is</p> <p>23 that Cindy told Laurel, and then Laurel told you, that</p> <p>24 somebody had been calling about looking for you or</p> <p>25 Laurel?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Moving to witness four, Jan Galanter, we've</p> <p>2 identified who she is. I understand that. And then it</p> <p>3 says, "This witness has knowledge of the breach of the</p> <p>4 peace."</p> <p>5 Other than what you've told me already, did</p> <p>6 Jan Galanter tell you she had information regarding the</p> <p>7 repossession?</p> <p>8 MR. TRUEBLOOD: Vague and ambiguous.</p> <p>9 THE WITNESS: Like I said, she personally inspected</p> <p>10 the parking gate in the garage after the repossession.</p> <p>11 She also spoke with certain people in the building. She</p> <p>12 spoke with Gina. She also sent me photographs of the</p> <p>13 gate mechanism and the gate. So she had spoken to some</p> <p>14 people and witnessed -- she didn't witness the actual</p> <p>15 repossession, but she witnessed the aftermath, I guess,</p> <p>16 the scene.</p> <p>17 BY MR. BERNSTEIN:</p> <p>18 Q. You're not aware of anyone who witnessed the</p> <p>19 actual repossession other than the repossession agent,</p> <p>20 right?</p> <p>21 A. That's correct. I'm not aware.</p> <p>22 Q. Who did Jan Perry talk to other than Gina</p> <p>23 regarding the repossession?</p> <p>24 MR. TRUEBLOOD: Calls for speculation.</p> <p>25 ///</p>

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1 BY MR. BERNSTEIN:
2 **Q. You just testified she talked to people.**
3 A. I think she may have spoken to another -- a
4 male resident of the building who helped Gina look at
5 the gate. I don't recall his name specifically.
6 **Q. Did you know about that conversation when the**
7 **initial disclosures were provided?**
8 A. I'm not sure, because I've had a number of
9 conversations with Jan over the ensuing time period.
10 **Q. So what's your understanding of the time that**
11 **the repossession occurred?**
12 A. My understanding was it was on September --
13 probably on September 5, 2023.
14 **Q. I'm asking about the time of day.**
15 A. Oh, time of day?
16 **Q. Yes.**
17 A. My understanding is that it happened sometime
18 around -- anywhere from noon until 1:00 p.m., around
19 that time.
20 **Q. In the middle of the day?**
21 A. Yes.
22 **Q. And what do you base that understanding on?**
23 A. Principally speaking to Laurel about it since
24 I wasn't there.
25 **Q. Other than speaking to Laurel, is there any**

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1 **reason you believe it was the middle of the day?**
2 A. I believe I saw some documents produced by LAW
3 Recovery with some sort of log of communications. But
4 primarily speaking to Laurel about what she believed had
5 occurred.
6 **Q. Going down to the witnesses, and there's a**
7 **reference to Access Finance employees. Number 5.**
8 **There's a reference to Shane Lawler at the Bureau of**
9 **Security and Investigative Services. Do you see where**
10 **I'm referring to?**
11 A. Yes.
12 **Q. Did you ever speak to Mr. Lawler?**
13 A. I did.
14 **Q. How many occasions?**
15 A. I think I spoke to him at least once. It
16 might have been two times.
17 **Q. The first time you spoke with Mr. Lawler, was**
18 **that over the telephone?**
19 A. Yes.
20 **Q. Who gave you the number?**
21 A. Oh, he called me.
22 **Q. What did he say?**
23 A. He was following up on a complaint that I had
24 filed with the Bureau of Security and Investigative
25 Services.

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1 **Q. What did he say when he spoke with you on that**
2 **occasion?**
3 A. I don't recall that many details about it, but
4 he did ask me some questions to clarify what I had
5 reported had happened. So we had a discussion -- some
6 discussion about that. It might have been ten minutes,
7 five or ten minutes, something like that.
8 **Q. Did you take notes?**
9 A. I don't know.
10 **Q. What do you mean? I don't understand your**
11 **answer nine?**
12 A. No. He was on the other end of the phone, so
13 I don't know if he was actually taking notes.
14 **Q. I see. I'm asking if you took notes.**
15 A. Oh, if I took notes? No.
16 **Q. Do you remember the day you spoke with him?**
17 A. I do not sitting here right now.
18 **Q. Do you remember anything other than what you**
19 **just told me about your conversation with Mr. Lawler?**
20 A. He did say -- when we ended the conversation.
21 He said he was going to follow up with LAW Recovery.
22 **Q. Do you remember anything else other than what**
23 **you've told me about your conversation?**
24 A. That's about it.
25 **Q. You spoke with him again; is that right?**

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1 A. I believe I did.
2 **Q. When was the date of the first call?**
3 A. It would have been sometime probably in mid to
4 late October of 2023.
5 **Q. And the second call, when was that?**
6 A. It might have been a couple weeks after that.
7 **Q. And what was discussed at the second call?**
8 A. As I recall, it was just that he was
9 continuing to follow up, and he said something about LAW
10 Recovery was denying any wrongdoing. So following up
11 with that.
12 **Q. Did you discuss anything further during that**
13 **call?**
14 A. I don't recall anything else.
15 **Q. Did you take notes from that call?**
16 A. I may have just written his name down and his
17 phone number. That's about it.
18 **Q. You just wrote a name and phone number and**
19 **nothing else about your conversation?**
20 A. Well, I did send -- yeah, I did send him an
21 e-mail with some documents. I think I might have sent
22 him photographs of the gate also.
23 **Q. Do you still have that e-mail?**
24 A. I believe I sent that all to Mr. Trueblood.
25 **Q. Okay. And that was the last time you've**

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<p style="text-align: right;">Page 54</p> <p>1 spoken with Mr. Lawler?</p> <p>2 A. Yeah. I haven't spoken with him for quite</p> <p>3 some time.</p> <p>4 Q. And you haven't spoken with anyone else at the</p> <p>5 Bureau, correct, regarding the repossession?</p> <p>6 A. Not a phone conversation, no.</p> <p>7 Q. Does that mean you communicated with them in</p> <p>8 some other fashion?</p> <p>9 A. As I recall -- sorry I can't recall more</p> <p>10 specifics about this, but I think I did receive</p> <p>11 communication from Mr. Lawler sometime after the last</p> <p>12 phone call that he was referring us to their</p> <p>13 investigation unit. And then I think I received an</p> <p>14 e-mail from someone at that unit, which I can't remember</p> <p>15 his name. But they were going to follow up with it.</p> <p>16 But that was several -- a couple months ago at least.</p> <p>17 So --</p> <p>18 Q. I don't have that e-mail. Did you give it to</p> <p>19 Mr. Trueblood?</p> <p>20 A. I believe I did. I don't recall. If I</p> <p>21 didn't, that was my oversight. I apologize for that.</p> <p>22 Q. But you'll send it now to Mr. Trueblood?</p> <p>23 MR. TRUEBLOOD: I don't believe it's been</p> <p>24 requested.</p> <p>25 MR. BERNSTEIN: I think it has been requested</p>	<p style="text-align: right;">Page 56</p> <p>1 Mr. Trueblood. It's Bates stamped DG-1 through DG-110.</p> <p>2 And I have some questions.</p> <p>3 (Defendant's Exhibit D was marked for</p> <p>4 identification and was retained by</p> <p>5 counsel.)</p> <p>6 MR. TRUEBLOOD: Just for the record, it was first</p> <p>7 produced October 7th, 2024. Then I was notified a few</p> <p>8 days ago by you that you couldn't read the file -- you</p> <p>9 had not read the file. And then when you tried to view</p> <p>10 it, you could not see the Bates numbers, so I reproduced</p> <p>11 this with Bates numbers on Friday.</p> <p>12 MR. BERNSTEIN: We disagree about that. What you</p> <p>13 sent me was ten pages and said incorrectly that it was</p> <p>14 110 pages. The first time I received it was Friday</p> <p>15 evening at 7:15 p.m.</p> <p>16 BY MR. BERNSTEIN:</p> <p>17 Q. But moving ahead, let's look at the first</p> <p>18 document on the top. It's an e-mail -- page 1 of</p> <p>19 Exhibit D is an e-mail from Mr. Galanter dated September</p> <p>20 12th.</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recognize it as an e-mail that you</p> <p>24 wrote?</p> <p>25 A. It's a different format or font, but it looks</p>
<p style="text-align: right;">Page 55</p> <p>1 repeatedly.</p> <p>2 BY MR. BERNSTEIN:</p> <p>3 Q. Do you object to sending that e-mail to</p> <p>4 Mr. Trueblood?</p> <p>5 A. It's up to Mr. Trueblood. I'm happy --</p> <p>6 MR. TRUEBLOOD: If you make a proper request for</p> <p>7 it, I'm sure we'll produce it.</p> <p>8 MR. BERNSTEIN: I'm asking Mr. Galanter.</p> <p>9 BY MR. BERNSTEIN:</p> <p>10 Q. You don't object to producing the e-mail,</p> <p>11 right?</p> <p>12 MR. TRUEBLOOD: You can't ask him in advance for a</p> <p>13 document demand that hasn't been drafted yet. Whether</p> <p>14 he's going to object, that's my territory.</p> <p>15 MR. BERNSTEIN: It has been drafted. I'm just</p> <p>16 trying to understand whether Mr. Galanter doesn't want</p> <p>17 to produce it for some reason.</p> <p>18 THE WITNESS: I don't have any particular reason</p> <p>19 for not producing it.</p> <p>20 BY MR. BERNSTEIN:</p> <p>21 Q. Okay. But you don't know whether or not a</p> <p>22 citation was issued to my client, correct?</p> <p>23 A. I do not know, no. That's correct.</p> <p>24 MR. BERNSTEIN: Okay. Exhibit D is evidence that</p> <p>25 was produced at 7:15 p.m. last Friday by counsel,</p>	<p style="text-align: right;">Page 57</p> <p>1 like what I wrote, yeah.</p> <p>2 Q. Is your e-mail address</p> <p>3 dgalanter@galanterassociates.com?</p> <p>4 A. Yes, it is.</p> <p>5 Q. All right. And you wrote to Mr. Shraga it</p> <p>6 looks like on September 12th at 11:55 a.m. How did you</p> <p>7 learn Mr. Shraga's contact information?</p> <p>8 A. I had it from our prior dealings.</p> <p>9 Q. Regarding the Honda?</p> <p>10 A. Yes.</p> <p>11 Q. When you say "prior dealings," were those</p> <p>12 dealings before September 5, 2023?</p> <p>13 A. Yes.</p> <p>14 Q. Was that in connection with you informing</p> <p>15 Mr. Shraga that you were in default and would send some</p> <p>16 money on the car note?</p> <p>17 A. Well, among other things.</p> <p>18 Q. What were the other things?</p> <p>19 A. We had corresponded from time to time about</p> <p>20 the loan prior to that, so I had his contact</p> <p>21 information.</p> <p>22 Q. And was that the first communication to Access</p> <p>23 Finance that occurred in writing after the repossession?</p> <p>24 A. I believe so, yes.</p> <p>25 Q. Doing down to page DG-9, it looks like a</p>

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1 printout of an online complaint summary dated October
2 30th, 2023.
3 Do you see that?
4 A. Yes.
5 Q. All right. Is that something that you wrote?
6 A. It looks like a summary of the complaint I
7 submitted to the Bureau of Investigative Services.
8 Q. Have you ever seen this document before?
9 A. I believe so, yeah. I think it's something
10 that -- after I submitted the complaint, it was -- I was
11 able to save a copy of it.
12 Q. So do you recall when you submitted the
13 complaint?
14 A. I think the date at the top was October 30,
15 2023.
16 Q. Right. Is that the date --
17 A. I think that would have been the date, yeah.
18 Q. All right. Had you already retained
19 Mr. Trueblood on this date?
20 A. I believe so.
21 Q. And next to the description there's a
22 paragraph. Is that information that you typed into the
23 online complaint system?
24 A. Yes.
25 Q. And did you write there, "In the process of

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1 repossessing my vehicle, its employees breached the
2 peace by breaking into and entering a secured, gated,
3 private garage in the dead of night, damaged the gate
4 mechanism, and causing other related damage"? Those are
5 your words?
6 A. Those were my words.
7 Q. So what's your understanding -- is this wrong
8 when it refers to the "dead of night"?
9 A. Only the "dead of night" was wrong. I was
10 incorrect on that.
11 Q. What were you basing that on?
12 A. Conversations with Laurel and Jan about the
13 circumstances. I had understood at the time that it had
14 happened sometime at night or very early in the morning.
15 But I subsequently clarified with Laurel that it would
16 have occurred around 12:30, 1:00 p.m. that day. So that
17 was my mistake.
18 Q. What were you basing this representation to
19 the Bureau, that it happened in the dead of night, on?
20 A. Well, as I said, my initial conversations with
21 Laurel and Jan.
22 Q. They said it was at night?
23 A. They thought it was very early in the morning
24 at some point. Anyway, it was -- I subsequently
25 clarified that I got a better understanding of the

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1 circumstances, and so --
2 Q. Did you notify the Bureau that you had
3 reported an inaccurate fact?
4 A. I don't recall doing that. Everything else is
5 accurate.
6 Q. Well, when you reported to the Bureau that LAW
7 Recovery, quote, "breached the peace by breaking into
8 and entering a secured, gated, private garage in the
9 dead of night, damaged the gate mechanism, and causing
10 other related damage," closed quote, how is it -- let me
11 ask this question: Other than what you've already told
12 me today, are you aware of any other fact that my client
13 broke into a secured, gated, private garage at the
14 premises?
15 MR. TRUEBLOOD: Instruct him not to answer. Calls
16 for contention. Rifkind v. Superior Court.
17 MR. BERNSTEIN: We're going to have to go back to
18 the Court to get rulings on the state case applicability
19 and whether my questions are proper or improper.
20 BY MR. BERNSTEIN:
21 Q. Sir, you wrote this. I'm asking if, other
22 than what you told me about, there's any evidentiary
23 support for this.
24 A. I --
25 MR. TRUEBLOOD: Hold on. Instruct the witness not

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1 to answer. Rifkind v. Superior Court.
2 BY MR. BERNSTEIN:
3 Q. All right. Why did you write "LAW Recovery
4 breached the peace" here?
5 A. I testified to that.
6 Q. Already, right?
7 A. I've testified to that already.
8 Q. Yeah.
9 And there's nothing else that you've left out,
10 right? You've told me everything?
11 A. I testified to everything within my personal
12 knowledge.
13 Q. Well, I'm asking what you were told over and
14 above your personal knowledge.
15 MR. TRUEBLOOD: It's vague and ambiguous as to what
16 you're asking. What are you asking?
17 MR. BERNSTEIN: I'm asking -- the record speaks for
18 itself. I'm asking about Mr. Galanter's representation
19 that LAW Recovery breached the peace.
20 BY MR. BERNSTEIN:
21 Q. I'm just asking if you've now told me
22 everything that you have knowledge about supporting your
23 claim that they breached the peace.
24 MR. TRUEBLOOD: Instruct the witness not to answer.
25 Rifkind v. Superior Court.

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<p style="text-align: right;">Page 62</p> <p>1 BY MR. BERNSTEIN:</p> <p>2 Q. Mr. Galanter, do you believe my client</p> <p>3 breached the peace?</p> <p>4 MR. TRUEBLOOD: Instruct the witness not to answer.</p> <p>5 Calls for contention and a legal conclusion.</p> <p>6 BY MR. BERNSTEIN:</p> <p>7 Q. Mr. Galanter, when you wrote the phrase</p> <p>8 "breached the peace," did you believe that you</p> <p>9 understood what the meaning of "breached the peace" is?</p> <p>10 A. Can I answer?</p> <p>11 MR. TRUEBLOOD: Yes.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. BERNSTEIN:</p> <p>14 Q. What's your understanding?</p> <p>15 A. Breaking and entering and trespassing.</p> <p>16 Q. All right. Have you now told me everything</p> <p>17 supporting your claim that my client trespassed?</p> <p>18 MR. TRUEBLOOD: Instruct the witness not to answer.</p> <p>19 Rifkind v. Superior Court. Contention question.</p> <p>20 BY MR. BERNSTEIN:</p> <p>21 Q. Why do you believe my client trespassed other</p> <p>22 than what you've already told me?</p> <p>23 MR. TRUEBLOOD: Instruct the witness not to answer.</p> <p>24 Contention question. Rifkind v. Superior Court.</p> <p>25 ///</p>	<p style="text-align: right;">Page 64</p> <p>1 complete it. I'm trying my best not to have to do that</p> <p>2 because it's a gigantic inconvenience and cost to</p> <p>3 everyone involved, sir.</p> <p>4 MR. TRUEBLOOD: I'll just comment that I provided</p> <p>5 you with the case before the deposition began, which is</p> <p>6 perfectly clear that you cannot ask those types of</p> <p>7 questions.</p> <p>8 MR. BERNSTEIN: It's not --</p> <p>9 MR. TRUEBLOOD: I haven't finished.</p> <p>10 There's no reason for any different role in</p> <p>11 federal court. And in state courts it's an unfair</p> <p>12 question, and you can't ask a witness to summarize and</p> <p>13 provide you a list of witnesses and provide you a list</p> <p>14 of documents supporting contention. You just can't do</p> <p>15 that.</p> <p>16 MR. BERNSTEIN: It's not contention. I'm asking</p> <p>17 about what Mr. Galanter wrote to the Bureau, and I'm</p> <p>18 asking about -- I don't want to argue. We're just going</p> <p>19 to have to come back.</p> <p>20 BY MR. BERNSTEIN:</p> <p>21 Q. Have you told me everything that leads you to</p> <p>22 believe my client broke into the garage, or is there</p> <p>23 anything more?</p> <p>24 MR. TRUEBLOOD: Same instruction.</p> <p>25 MR. BERNSTEIN: You're instructing him not to</p>
<p style="text-align: right;">Page 63</p> <p>1 BY MR. BERNSTEIN:</p> <p>2 Q. Do you have an understanding of the word</p> <p>3 "trespass," sir?</p> <p>4 A. Yes.</p> <p>5 Q. What's your understanding?</p> <p>6 A. Entering into someone's property without their</p> <p>7 permission or consent.</p> <p>8 Q. Do you believe LAW Recovery did that? Yes or</p> <p>9 no?</p> <p>10 A. Yes.</p> <p>11 Q. Why?</p> <p>12 A. I've testified to that.</p> <p>13 Q. You've told me everything?</p> <p>14 A. Everything within my personal knowledge I've</p> <p>15 testified to.</p> <p>16 Q. What about information provided to you by</p> <p>17 other witnesses or people such as Jan, Laurel --</p> <p>18 A. I included --</p> <p>19 MR. TRUEBLOOD: Hold on. You're getting into</p> <p>20 contentions here. You're asking him to summarize and</p> <p>21 induce evidence in the case, so I'll instruct him not to</p> <p>22 answer. Rifkind v. Superior Court.</p> <p>23 MR. BERNSTEIN: I believe that this is going to</p> <p>24 result in a court order that may result in an</p> <p>25 evidentiary sanction and a return to the deposition to</p>	<p style="text-align: right;">Page 65</p> <p>1 answer that?</p> <p>2 MR. TRUEBLOOD: Right.</p> <p>3 BY MR. BERNSTEIN:</p> <p>4 Q. Have you now told me everything that leads you</p> <p>5 to believe my client damaged the gate mechanism?</p> <p>6 A. Can I answer?</p> <p>7 MR. TRUEBLOOD: Go ahead.</p> <p>8 THE WITNESS: Yes, I have.</p> <p>9 BY MR. BERNSTEIN:</p> <p>10 Q. Why did you write that LAW Recovery failed to</p> <p>11 provide you with the required inventory?</p> <p>12 A. Because they didn't.</p> <p>13 Q. Where were you residing?</p> <p>14 A. 800 West First Street, Apartment 2905, Los</p> <p>15 Angeles, California 90012.</p> <p>16 Q. Why do you believe LAW Recovery was aware of</p> <p>17 that address?</p> <p>18 A. Because Access Finance was aware of it, and</p> <p>19 Access Finance hired LAW Recovery.</p> <p>20 Q. Okay. Any other reason?</p> <p>21 A. It wasn't my responsibility to inform LAW</p> <p>22 Recovery of my address.</p> <p>23 Q. Any other reason?</p> <p>24 A. No.</p> <p>25 Q. Okay. DG-10 is a Himco Security invoice. Do</p>

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Pages 66..69

<p style="text-align: right;">Page 66</p> <p>1 you see that?</p> <p>2 A. Yes.</p> <p>3 Q. You see that it's dated October 10, 2022?</p> <p>4 A. Yes.</p> <p>5 Q. What does this, to your understanding, have to</p> <p>6 do with the lawsuit?</p> <p>7 MR. TRUEBLOOD: Instruct the witness not to answer.</p> <p>8 Asks for a legal contention. Rifkind v. Superior Court.</p> <p>9 BY MR. BERNSTEIN:</p> <p>10 Q. Did you produce this to Mr. Trueblood?</p> <p>11 A. Yes.</p> <p>12 Q. Why?</p> <p>13 MR. TRUEBLOOD: Instruct him not to answer.</p> <p>14 Attorney-client privilege. Rifkind v. Superior Court.</p> <p>15 BY MR. BERNSTEIN:</p> <p>16 Q. How did you get this document?</p> <p>17 A. I think Jan obtained it from Gina or one of</p> <p>18 the other condominium board members who were dealing --</p> <p>19 because Himco Security was the company that the board</p> <p>20 went to for parking gate repairs. And then she gave it</p> <p>21 to me.</p> <p>22 Q. Did she tell you anything when she gave it to</p> <p>23 you?</p> <p>24 A. Other than here's an invoice for the gate</p> <p>25 repair, no.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Have you -- do you see where it appears to say</p> <p>2 "Barbara Freeman" on the bottom right of that check?</p> <p>3 A. Hold on one second. Something is -- could you</p> <p>4 scroll up a little bit? I don't see a -- what you're</p> <p>5 referring to.</p> <p>6 Q. Do you see a signature on the bottom right</p> <p>7 corner of the check?</p> <p>8 A. Oh, "Barbara Freeman."</p> <p>9 Q. Is that --</p> <p>10 A. I'm not familiar with that name.</p> <p>11 Q. Okay. That's my question.</p> <p>12 I'm going to scroll down to Exhibit D, page</p> <p>13 DG-38. They're all numbered on the bottom right by, I</p> <p>14 believe, Mr. Trueblood.</p> <p>15 Okay. Page 38 appears to be a screenshot of a</p> <p>16 text message with a photo. At the top in the middle it</p> <p>17 says "JP" for "Jan" -- or underneath that it says "Jan."</p> <p>18 Take a look at this and tell me if you recognize it.</p> <p>19 A. I recall this, yes.</p> <p>20 Q. Under the blurry black and white photo of a</p> <p>21 gate -- the gate mechanism, it says, "Please ask the</p> <p>22 sheriff to come out and dust the box for fingerprints as</p> <p>23 soon as possible."</p> <p>24 Who wrote that? You?</p> <p>25 A. Jan did.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Did she send it in an e-mail or a text, or did</p> <p>2 she physically hand it to you?</p> <p>3 A. I think she gave me a copy of it physically.</p> <p>4 Q. And did you read the date on it?</p> <p>5 A. I may have.</p> <p>6 Q. Did you talk to Jan about the date?</p> <p>7 A. I don't recall doing that. I think I just</p> <p>8 took it and I sent it off to Mr. Trueblood.</p> <p>9 Q. DG-16 is a copy of a check, Check No. 010032,</p> <p>10 payable to Himco Security.</p> <p>11 Have you seen that before?</p> <p>12 A. I'm not sure.</p> <p>13 Q. It says "Greenpark II, HOA Trust No. 616."</p> <p>14 A. I see that.</p> <p>15 Q. Have you heard of that entity?</p> <p>16 A. No.</p> <p>17 Q. Have you heard of Condominium Administration</p> <p>18 Company?</p> <p>19 A. No.</p> <p>20 Q. Did you produce this to Mr. Trueblood?</p> <p>21 A. I don't think I did personally.</p> <p>22 Q. Is this the first time you're seeing this</p> <p>23 check?</p> <p>24 A. I may have seen this -- I may have seen this</p> <p>25 previously. I don't recall.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Is this a text between you and Jan?</p> <p>2 A. Yes.</p> <p>3 Q. She's asking you to ask the sheriff to come</p> <p>4 out and dust for fingerprints?</p> <p>5 A. Yes.</p> <p>6 Q. And am I correct that you wrote the word "yes"</p> <p>7 there?</p> <p>8 A. I would -- yeah, that appears to be me.</p> <p>9 Q. Underneath that it says, "This is an</p> <p>10 opportunity for you, but you must move quickly. If</p> <p>11 there are people who snatch cars, then they probably</p> <p>12 have a criminal record."</p> <p>13 Who wrote that?</p> <p>14 A. Jan did.</p> <p>15 Q. What was your understanding of what Jan meant</p> <p>16 when you read this?</p> <p>17 A. Exactly what she said.</p> <p>18 Q. What's the "opportunity"?</p> <p>19 A. To collect fingerprints as soon as possible</p> <p>20 before they might be erased or obscured or cleaned off.</p> <p>21 Q. Is it opportunity to gather evidence for a</p> <p>22 lawsuit?</p> <p>23 A. It's an opportunity. That probably would</p> <p>24 include that.</p> <p>25 Q. Why is it that Jan didn't call the sheriff?</p>

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<p style="text-align: right;">Page 70</p> <p>1 A. It's my car, so my responsibility.</p> <p>2 Q. So scrolling to the top of this, do you have</p> <p>3 the text that immediately preceded this that referred to</p> <p>4 the repossession?</p> <p>5 MR. TRUEBLOOD: Assumes facts not in evidence.</p> <p>6 THE WITNESS: I don't know. I may -- I --</p> <p>7 BY MR. BERNSTEIN:</p> <p>8 Q. Is this on your personal cell phone?</p> <p>9 A. It would be.</p> <p>10 Q. What was the number?</p> <p>11 A. (310)880-9454.</p> <p>12 Q. Is it still the same number?</p> <p>13 A. Yes.</p> <p>14 Q. And at that time what was your mobile carrier</p> <p>15 number?</p> <p>16 A. My mobile --</p> <p>17 Q. I'm sorry, forgive me. The name of the</p> <p>18 company?</p> <p>19 A. AT&T.</p> <p>20 Q. Sorry?</p> <p>21 A. AT&T.</p> <p>22 Q. Is it still AT&T?</p> <p>23 A. Yes.</p> <p>24 Q. Underneath that there's a reference to a</p> <p>25 voicemail number 11833.m4a. Do you see that?</p>	<p style="text-align: right;">Page 72</p> <p>1 request for production included all documents and audio</p> <p>2 recordings specifically referring to this repossession.</p> <p>3 MR. TRUEBLOOD: No, I don't think so.</p> <p>4 MR. BERNSTEIN: I know so.</p> <p>5 BY MR. BERNSTEIN:</p> <p>6 Q. So in any event, are you testifying,</p> <p>7 Mr. Galanter, that you'll look and send it to</p> <p>8 Mr. Trueblood?</p> <p>9 MR. TRUEBLOOD: It's not for him to say. If you</p> <p>10 want to make a request, we'll look at your request; and</p> <p>11 if it's relevant, we'll produce it.</p> <p>12 MR. BERNSTEIN: I've already requested it, Counsel,</p> <p>13 and I can't complete the deposition without it.</p> <p>14 MR. TRUEBLOOD: You have not requested it.</p> <p>15 MR. BERNSTEIN: I can't complete the deposition</p> <p>16 without it. Plus we'll need some rulings on the Rifkind</p> <p>17 issues.</p> <p>18 BY MR. BERNSTEIN:</p> <p>19 Q. Then underneath the voicemail that has not</p> <p>20 been produced, it says, "They removed the chain on the</p> <p>21 gate so it's impossible to move it by hand."</p> <p>22 Do you see what I'm referring to?</p> <p>23 A. Yes.</p> <p>24 Q. Who wrote that?</p> <p>25 A. It looks like Jan.</p>
<p style="text-align: right;">Page 71</p> <p>1 A. Yes.</p> <p>2 Q. It says "audio recording"?</p> <p>3 A. Yes.</p> <p>4 Q. What is that?</p> <p>5 A. Jan may have left me a message. Sometimes she</p> <p>6 does that.</p> <p>7 Q. So I don't have that audio recording.</p> <p>8 Did the recording refer to the repossession</p> <p>9 that you were texting about?</p> <p>10 A. I don't know. I don't recall even listening</p> <p>11 to --</p> <p>12 Q. Do you have the audio recording?</p> <p>13 A. Don't know. I'd be happy to look.</p> <p>14 Q. Do you have your phone with you?</p> <p>15 A. No, I don't.</p> <p>16 Q. You don't have your cell phone with you?</p> <p>17 A. I'm happy to look --</p> <p>18 Q. Well, how would I know what you find out --</p> <p>19 A. -- after the deposition.</p> <p>20 MR. TRUEBLOOD: First of all, just for the record,</p> <p>21 you haven't asked for it. If you do ask for it, we'll</p> <p>22 produce it.</p> <p>23 MR. BERNSTEIN: Well, I have asked for it, number</p> <p>24 one. Number two, I didn't get this document until 7:00</p> <p>25 p.m. Friday, and we're here on Monday afternoon. My</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. Okay. And then there's nothing further. Did</p> <p>2 you reply to her?</p> <p>3 A. I don't know. I may have.</p> <p>4 Q. Did you send your counsel just snippets of</p> <p>5 text messages and not the entire substance of all</p> <p>6 messages relating to the repossession?</p> <p>7 MR. TRUEBLOOD: I'm going to instruct the witness</p> <p>8 not to answer. Attorney-client privilege.</p> <p>9 BY MR. BERNSTEIN:</p> <p>10 Q. I'm asking what you did, not what you talked</p> <p>11 about. I'm asking about your conduct.</p> <p>12 Did you not produce the entire texts relating</p> <p>13 to the repossession?</p> <p>14 A. Are you asking me if I deliberately edited</p> <p>15 texts out that refer to the repossession? The answer</p> <p>16 would be no.</p> <p>17 Q. Did you inadvertently or intentionally</p> <p>18 withhold text messages relating to the repossession?</p> <p>19 A. I would not deliberately withhold anything</p> <p>20 related to the repossession.</p> <p>21 Q. What about inadvertently?</p> <p>22 A. I don't believe so.</p> <p>23 Q. This text exchange is dated Friday, September</p> <p>24 8th. The repossession occurred on September 5th. Was</p> <p>25 the gate -- how did people get in and out if the gate</p>

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1 was broken between September 5th and the repair date?
2 A. I wasn't there, so I don't know specifically.
3 Q. Why did Jan -- did Jan tell you why she was
4 saying they removed the chain so it is impossible to
5 move the gate?
6 A. She told me that's what they saw -- that's
7 what she saw.
8 Q. Did she tell you why she's informing you of
9 that?
10 A. No.
11 Q. Did you reply?
12 A. I may have. I may have already replied -- not
13 replied specifically to this because I was probably
14 coming back home on that day, so I would have been
15 speaking to her about it instead of texting her about
16 it.
17 Q. You came home on --
18 A. Probably on September -- you know, it's been a
19 year. I don't recall specifically when -- what date I
20 came back from back East, but it may have been around
21 this date.
22 Q. You were back East in the United States,
23 correct?
24 A. Yes.
25 Q. And your phone worked back East, correct?

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1 A. Yes.
2 Q. Let's go back up to the photos of the gate
3 mechanism which begin on DG-23. The first one is a
4 black and white image. It says "DG-23" on the bottom,
5 but it doesn't reflect that it was conveyed via text or
6 via e-mail.
7 Do you recognize this photo?
8 A. Yes.
9 Q. How did you get this one?
10 A. I believe it was texted to me.
11 Q. Was it in color?
12 A. Probably.
13 Q. Same question for the next photo.
14 A. Yes, I recognize this.
15 Q. You got it via text?
16 A. Yes.
17 Q. Do you know when these photographs were taken?
18 A. My understanding was around September 5 to 6.
19 Q. What's your understanding based upon?
20 A. Conversations with Jan.
21 Q. Anyone else?
22 A. No.
23 Q. Did Jan text you with a statement about when
24 she took the pictures?
25 A. I don't believe so.

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1 Q. You have no personal knowledge of when these
2 photographs were taken, correct?
3 A. I wasn't there witnessing it.
4 Q. Moving down through several pictures without
5 any references to text messages, we go to page 27 where
6 it says "September 7th, 2023, 8:06 p.m." And it looks
7 like this is a text message. Do you recognize this one?
8 A. I recognize the photograph.
9 Q. Okay. Where were you on September 7th?
10 A. I was probably back in the Boston area.
11 That's where I was.
12 Q. When you received these texts, were they also
13 combined with words, communications, from Jan, or did
14 they just appear without the --
15 A. Not necessarily. I think she just sent me
16 these photos.
17 Q. Do you know what the bottom small black and
18 white photographs depict?
19 A. It looks -- it looks like my photo library on
20 my phone.
21 Q. Do you know what these depict? Do you
22 remember or recognize them?
23 A. The small photographs?
24 Q. Yeah.
25 A. No. Well, I'd have to look more closely.

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1 They're probably -- if you're familiar with iPhone photo
2 libraries, they display -- you know, you go into a photo
3 and you look down, you've got a number of photos from
4 your library aside from the one that you're looking at,
5 which is the large one. So --
6 Q. Yeah, I --
7 A. These may or may not be relevant to this case.
8 Q. You don't know right now?
9 A. I don't know right now. I can't really see
10 them. Sorry.
11 Q. Nor can I.
12 So if you look at the photograph on page
13 DG-30, it depicts a mechanism. Do you see what I'm
14 referring to?
15 A. Yes.
16 Q. And then it looks like the lid is slightly
17 ajar but not significantly. So maybe -- looking at the
18 photo, maybe 3 inches, more or less. Do you see where
19 I'm referring to?
20 A. Yes.
21 Q. If I go down to 32, it looks like it's much --
22 the lid is farther open. Do you see what I'm referring
23 to?
24 A. Well, I don't know if it's farther open, but I
25 see the gap there.

<p style="text-align: right;">Page 78</p> <p>1 Q. Well, it's a much bigger gap than the last 2 photo I showed you. 3 A. Well, I'm not sure it is. 4 MR. TRUEBLOOD: It's a different view. 5 MR. BERNSTEIN: Okay. 6 THE WITNESS: Yeah. 7 BY MR. BERNSTEIN: 8 Q. Moving on to page 33, a series of texts from 9 Jan. I assume that it's to you. At the top it says 10 "September 6th, 3:41 p.m." And then it says "Any 11 updates." 12 Do you see what I'm referring to? 13 A. Yeah. 14 Q. Who wrote "Any updates"? 15 A. Jan. 16 Q. Did she tell you why? 17 A. No. We were having texts back and forth about 18 the missing car. 19 Q. Did you have texts back and forth on September 20 5th, 2023? 21 A. September 6th or 5th? 22 Q. Five. 23 A. Five. Probably -- well, I don't know, because 24 we were having phone calls on the 5th. 25 Q. What's your understanding of what "Any</p>	<p style="text-align: right;">Page 80</p> <p>1 A. You know, this looks like it's a screenshot. 2 She was having a text exchange with somebody else. 3 Q. You don't think this was you? 4 A. Well, it's a screenshot. And I didn't -- I 5 don't recall writing anything that was in the 6 screenshot. 7 Q. So let's scroll up to the top of page 33. It 8 says "JP, Jan" at the top center of the page. "Any 9 updates." We've talked about that. 10 And then on the same page where you testified 11 it was you saying "We're heading to dinner," et cetera, 12 there's like a cutoff. I don't know what it says above 13 the words "No cameras." Do you think that was not an 14 exchange with Jan and you? 15 A. No. This is a screenshot of a text exchange 16 she was having with somebody else. 17 Q. Who is that? 18 A. Somebody in the building. I don't know who -- 19 I don't recall who it was. 20 Q. So do you know who typed "No cameras"? 21 A. No. 22 Q. You don't have the full contents of the text 23 message immediately above the words "No cameras"? 24 A. No, no. She sent me the screenshot, and that 25 was -- you know, she sent me what she sent me. I didn't</p>
<p style="text-align: right;">Page 79</p> <p>1 updates" means? 2 A. Just asking me if I had any more information 3 about -- probably about the car or the repossession. 4 Q. What, if anything, had you done to look into 5 information about the car and repossession? 6 A. I had spoken to the sheriff's department 7 around that time. They told me it had been a 8 repossession. 9 Q. Was that conversation with the sheriff on the 10 5th or the 6th? 11 A. I think it was -- because of the time 12 difference, I believe it was on the 5th. 13 Q. Did you write "We're heading to dinner, I'll 14 call you"? 15 A. Yes, I did write that. 16 Q. So you were back East, and it's, what, 6:41 17 around that time? 18 A. Yes. 19 Q. Okay. And then Jan wrote, "Okay, call me now. 20 I'm at home." 21 And you, I guess, wrote "15 minutes. Okay." 22 And then it says "No cameras." 23 Do you see that? 24 A. Yes. 25 Q. Is Jan telling you there are no cameras?</p>	<p style="text-align: right;">Page 81</p> <p>1 have the rest of it. 2 Q. So where it says, "Okay, I will tell him to 3 ask the sheriffs to check the alley," do you know who 4 that is? 5 A. That is probably Jan. 6 Q. Okay. And you don't know who typed "We must 7 have the gate inspected"? 8 A. No. It was probably -- I don't want to 9 speculate. But other than that, it's somebody she was 10 talking to on the condominium board. 11 Q. Are you speculating right now? 12 A. No. I'm basing it on my knowledge on what was 13 going on at the time and who she was probably speaking 14 to. So -- 15 Q. Who was she -- 16 A. I can't provide a name. I don't know other 17 than that. 18 Q. Was it a man or a woman? 19 A. I don't know. 20 Q. Do you know whether you ever talked to that 21 person? 22 A. I don't know. I don't know who it is. 23 Q. Why does she send you the screenshot? 24 A. To keep me informed, I assume. 25 Q. And when you received this screenshot, what</p>

<p style="text-align: right;">Page 82</p> <p>1 did you do?</p> <p>2 A. I don't know if I did anything other than</p> <p>3 following up with what I was following up with.</p> <p>4 Q. The next page, DG-34, it has "Jan" again at</p> <p>5 the top. I guess it's her saying "Okay, let me know</p> <p>6 what she says." Is that your understanding?</p> <p>7 A. Could you scroll up some more so I could see?</p> <p>8 Q. Up or down?</p> <p>9 A. Up. Let's see. Down. Sorry. Let's see.</p> <p>10 That would be me.</p> <p>11 Q. Which one?</p> <p>12 A. "Let me know what she says."</p> <p>13 Q. And who are you referring to?</p> <p>14 A. That would be me.</p> <p>15 Q. Got it. Thank you.</p> <p>16 Who are you referring to?</p> <p>17 A. I don't know. Now that I'm looking at this, I</p> <p>18 still don't know who -- it might have been Gina or it</p> <p>19 might have been somebody else on the board. I don't</p> <p>20 know. It's probably Gina, but that would be</p> <p>21 speculating.</p> <p>22 Q. So this is another excerpt of texts? At the</p> <p>23 top it says, "Okay, let me know what she says." There</p> <p>24 must have been, I assume, texts regarding the same topic</p> <p>25 that were not produced; right?</p>	<p style="text-align: right;">Page 84</p> <p>1 see the times. I don't know if there's anything</p> <p>2 missing. I know we were having a phone conversation</p> <p>3 about this and we were also texting. So --</p> <p>4 Q. Have you ever deleted any text messages that</p> <p>5 referred to the repossession?</p> <p>6 A. No. Absolutely not.</p> <p>7 Q. Have you ever deleted any text messages or</p> <p>8 e-mails that -- between you and Jan that refer to the</p> <p>9 repossession?</p> <p>10 A. No. I don't know if we -- I don't know if we</p> <p>11 had any e-mail exchanges. We usually communicate by</p> <p>12 text or phone call.</p> <p>13 Q. Have you deleted any e-mails or text messages</p> <p>14 with Laurel that refer to the repossession?</p> <p>15 A. No.</p> <p>16 Q. How old is Laurel?</p> <p>17 A. Thirty-three.</p> <p>18 Q. Okay.</p> <p>19 MR. TRUEBLOOD: David, can we -- we've been going</p> <p>20 for an hour. Can we take a break?</p> <p>21 MR. BERNSTEIN: Sure.</p> <p>22 (Brief recess.)</p> <p>23 BY MR. BERNSTEIN:</p> <p>24 Q. Mr. Galanter, has anyone refreshed your</p> <p>25 recollection regarding these questions I'm having about</p>
<p style="text-align: right;">Page 83</p> <p>1 A. I don't know. I don't know sitting later just</p> <p>2 looking at this. I can't tell.</p> <p>3 Q. Well, page 34 is, you're sure, a text between</p> <p>4 Jan and yourself; right?</p> <p>5 A. It looks like it, yes.</p> <p>6 Q. And at the top, you wrote, "Okay, let me know</p> <p>7 what she says," right?</p> <p>8 A. If you could scroll down for a second.</p> <p>9 Q. Sure.</p> <p>10 A. That would be -- yeah, because she's sending</p> <p>11 me a photo. So that would be Jan.</p> <p>12 Q. Okay. What would be Jan? "Okay, may I call</p> <p>13 you"?</p> <p>14 A. Jan would be sending me the photo, and I would</p> <p>15 be saying, "30 minutes if that's okay. Taking shower.</p> <p>16 Okay." That would be me.</p> <p>17 Q. You're back East?</p> <p>18 A. Yes.</p> <p>19 Q. Right. So the dark --</p> <p>20 A. The dark would be me.</p> <p>21 Q. Right. And so there must have been a text</p> <p>22 before "Okay, let me know what she says," right?</p> <p>23 A. I don't know. Scroll up. Let me see the</p> <p>24 preceding page. A little bit more. I don't know. We</p> <p>25 may have had a phone conversation at that point. Let me</p>	<p style="text-align: right;">Page 85</p> <p>1 the text messages and whether they're full and complete</p> <p>2 exchanges vis-a-vis just partial exchanges?</p> <p>3 MR. TRUEBLOOD: Vague and ambiguous.</p> <p>4 THE WITNESS: No, nothing at all.</p> <p>5 BY MR. BERNSTEIN:</p> <p>6 Q. Have you looked at anything during the break?</p> <p>7 A. No.</p> <p>8 Q. You said, I think, that you have an iPhone; is</p> <p>9 that right?</p> <p>10 A. Yes.</p> <p>11 Q. When you were gathering evidence relating to</p> <p>12 this case, did you look into your iCloud account for</p> <p>13 evidence?</p> <p>14 A. I don't think so, because it would have been</p> <p>15 the same data that's on my phone. I don't delete text</p> <p>16 messages. I actually don't know how to delete text</p> <p>17 messages, so I don't do that.</p> <p>18 Q. Looking at page 34 here, there's a text that</p> <p>19 says, "Okay, let me know what she says," I'm trying to</p> <p>20 assess or determine whether there was an exchange via</p> <p>21 text immediately before this "Okay, let me know what she</p> <p>22 says" entry.</p> <p>23 A. Okay.</p> <p>24 MR. TRUEBLOOD: So is there a question?</p> <p>25 MR. BERNSTEIN: Yeah.</p>

<p style="text-align: right;">Page 86</p> <p>1 BY MR. BERNSTEIN:</p> <p>2 Q. The question is were there text messages that</p> <p>3 were not produced?</p> <p>4 A. Text messages about what?</p> <p>5 Q. The repossession.</p> <p>6 A. I don't believe so.</p> <p>7 Q. So you see where at the top of the page it</p> <p>8 says "Okay, let me know what she says"?</p> <p>9 A. Yeah. Yes.</p> <p>10 Q. All right. Your testimony is that you weren't</p> <p>11 responding to a text when --</p> <p>12 A. I don't know. It's been over a year ago.</p> <p>13 It's over a year ago. I may have been responding to the</p> <p>14 screenshot she sent me. I just don't recall.</p> <p>15 Q. What screenshot are you referring to?</p> <p>16 A. The one on the previous page. I told you</p> <p>17 there was a screenshot of a text exchange Jan sent me.</p> <p>18 Q. When you say "Okay, let me know what she</p> <p>19 says," how does that refer to a prior text or</p> <p>20 screenshot?</p> <p>21 A. I don't know. Just looking at this, I can't</p> <p>22 tell.</p> <p>23 Q. All right.</p> <p>24 A. All I can do at some point -- it takes time to</p> <p>25 scroll all the way back through text messages to get to,</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Yes.</p> <p>2 Q. All right. Do you see at the top where it</p> <p>3 says "Avi Shruga to Douglas Galanter"? And it says,</p> <p>4 "Sir, why are you doing this?"</p> <p>5 A. Yeah, I see that.</p> <p>6 Q. Do you remember receiving this?</p> <p>7 A. No.</p> <p>8 Q. Do you know why Mr. Shruga asked you that</p> <p>9 question?</p> <p>10 A. Well, looking at the rest of the page, he's</p> <p>11 probably asking why I "haven't returned the vehicle</p> <p>12 today," his words.</p> <p>13 Q. Did you have an agreement to return the</p> <p>14 vehicle?</p> <p>15 A. No.</p> <p>16 Q. Were you on default on this day?</p> <p>17 MR. TRUEBLOOD: Asked and answered.</p> <p>18 THE WITNESS: Yeah, I believe so.</p> <p>19 BY MR. BERNSTEIN:</p> <p>20 Q. Okay. Now, take your time and look through</p> <p>21 all these -- there's several e-mails on page DG-77 and</p> <p>22 -78. I'll scroll up and down however you'd like. I</p> <p>23 want to you read them all over because my question will</p> <p>24 be are these authentic; these are actually e-mails that</p> <p>25 you sent and received?</p>
<p style="text-align: right;">Page 87</p> <p>1 you know, last September to see if there's anything.</p> <p>2 But --</p> <p>3 Q. Well, that's true, but you understand you have</p> <p>4 filed a lawsuit against my client, and we're asking for</p> <p>5 these things.</p> <p>6 A. I don't know what you're asking for.</p> <p>7 MR. TRUEBLOOD: Hold on. It's argumentative. It</p> <p>8 lacks foundation. It's also untrue that you have</p> <p>9 requested all text messages.</p> <p>10 MR. BERNSTEIN: That's not untrue, Counsel.</p> <p>11 MR. TRUEBLOOD: It is.</p> <p>12 MR. BERNSTEIN: We've asked for communications</p> <p>13 relating to the repossession.</p> <p>14 MR. TRUEBLOOD: You'll have to show that to me.</p> <p>15 MR. BERNSTEIN: Okay. Let's try to get what we can</p> <p>16 get done today done today. But, unfortunately, we'll</p> <p>17 have to come back on another date.</p> <p>18 BY MR. BERNSTEIN:</p> <p>19 Q. I'm going to scroll down to DG-77. This is a</p> <p>20 document that at the top left says "Access Finance."</p> <p>21 And then there appears to be a series of e-mails. The</p> <p>22 top, though, says "Payments on Auto Loan," and then on</p> <p>23 the right there's a date of August 2nd, 2023 at 3:57</p> <p>24 p.m.</p> <p>25 Do you see where I am?</p>	<p style="text-align: right;">Page 89</p> <p>1 MR. TRUEBLOOD: You might want to look at your</p> <p>2 copy, Doug, so you can scroll on your own.</p> <p>3 THE WITNESS: Yeah, that would be easier, if you</p> <p>4 don't mind.</p> <p>5 BY MR. BERNSTEIN:</p> <p>6 Q. No, I don't mind.</p> <p>7 A. What page again is that?</p> <p>8 Q. It's pages 77 and 78.</p> <p>9 MR. TRUEBLOOD: The copy I have may not have Bates</p> <p>10 numbers.</p> <p>11 THE WITNESS: It looks like they do.</p> <p>12 MR. TRUEBLOOD: Okay.</p> <p>13 THE WITNESS: It looks authentic to me.</p> <p>14 BY MR. BERNSTEIN:</p> <p>15 Q. Okay. So the entire back-and-forth reflected</p> <p>16 on DG-77 and DG078 are authentic?</p> <p>17 A. It looks like. Let's see. I know I wrote the</p> <p>18 June 15, 2023 one. I recall Mr. Shruga's response. I</p> <p>19 recall the July 11 one. Yeah, looks authentic to me. I</p> <p>20 just don't recall the "Sir, why are you doing this?"</p> <p>21 But --</p> <p>22 Q. I think the earliest one is July 15 at 12:06</p> <p>23 from Avi Shruga to you, right?</p> <p>24 A. It looks like it. Yes.</p> <p>25 Q. All right. And you're saying, "Please note</p>

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<p style="text-align: right;">Page 90</p> <p>1 that I plan to resume payments on the above-referenced</p> <p>2 loan not later than 7/1/2023." Right?</p> <p>3 Do you have a recollection of how long you had</p> <p>4 been in default at this time?</p> <p>5 A. No, I don't.</p> <p>6 Q. Was it more than a month?</p> <p>7 A. Yeah, I believe so.</p> <p>8 Q. More than two?</p> <p>9 A. As best as I can recall, maybe two or three</p> <p>10 months.</p> <p>11 Q. Okay. You continue in your e-mail, "In the</p> <p>12 meantime please cease your phone calls to my family</p> <p>13 members, clients, and acquaintances, as they find these</p> <p>14 calls to be disruptive and harassing."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Other than Jan and Laurel, any</p> <p>18 other family members allegedly receive phone calls from</p> <p>19 Avi?</p> <p>20 A. I'm not sure if the call was from Avi himself,</p> <p>21 but my sister received a couple phone calls.</p> <p>22 Q. But you were referring to Access Finance here,</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. What's your sister's name?</p>	<p style="text-align: right;">Page 92</p> <p>1 occurred from LAW Recovery, and her testimony regarding</p> <p>2 what was said to her would shed light on that issue.</p> <p>3 THE WITNESS: Well, I'll need to discuss this with</p> <p>4 my counsel to see if I -- I'm very protective of my</p> <p>5 sister's privacy.</p> <p>6 MR. BERNSTEIN: That's fine. If you don't call her</p> <p>7 as a witness, I don't need to speak with her.</p> <p>8 MR. TRUEBLOOD: We'll let you know.</p> <p>9 BY MR. BERNSTEIN:</p> <p>10 Q. It says, "Please cease your phone calls to my</p> <p>11 family members," and then it says "clients." Who is</p> <p>12 that?</p> <p>13 A. Well, I recall that at least one of my clients</p> <p>14 and friends -- her name is Melody Ishida -- received a</p> <p>15 couple of phone calls. She's a CPA. Her office is in</p> <p>16 West Los Angeles. She told me that at least two or</p> <p>17 three phone calls she received.</p> <p>18 Q. Would you please spell Melody's last name for</p> <p>19 me?</p> <p>20 A. I-S-H-I-D-A.</p> <p>21 Q. To the best of your recollection with the</p> <p>22 greatest possible degree of precision, did Melody Ishida</p> <p>23 tell you about calls that she had received relating to</p> <p>24 the Honda?</p> <p>25 A. She called and said, Some guy was looking for</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Dorian Brown.</p> <p>2 Q. Can you please spell the first name?</p> <p>3 A. D-O-R-I-A-N.</p> <p>4 Q. What's Ms. Brown's address?</p> <p>5 A. She's at 5 Thurlow Street, T-H-U-R-L-O-W, in</p> <p>6 Georgetown, Massachusetts.</p> <p>7 Q. And she told you she received phone calls from</p> <p>8 Access Finance?</p> <p>9 A. Yeah, a number of them. She didn't</p> <p>10 specifically say they were from Access Finance, but she</p> <p>11 did say that they were calls looking for me.</p> <p>12 Q. Do you have Dorian Brown's phone number?</p> <p>13 A. I would appreciate not to give it to you.</p> <p>14 Q. Well, she's a percipient witness, evidently.</p> <p>15 If you agree not to call her as a witness, I don't need</p> <p>16 her phone number.</p> <p>17 A. Why would you need her phone number if she's</p> <p>18 my witness?</p> <p>19 Q. To speak with her.</p> <p>20 MR. TRUEBLOOD: What would calls to Dorian Brown</p> <p>21 from Access have to do with the case against LAW</p> <p>22 Recovery?</p> <p>23 MR. BERNSTEIN: Well, one of LAW Recovery's</p> <p>24 contention is that you and your client have conflated</p> <p>25 calls from Access Finance with alleged calls that never</p>	<p style="text-align: right;">Page 93</p> <p>1 you about some collection matter, and who are these</p> <p>2 people and why are they calling me?</p> <p>3 Q. And what did you say?</p> <p>4 A. I said, I don't know who's calling you, but</p> <p>5 I'll look into it.</p> <p>6 Q. Did you look into it?</p> <p>7 A. I think I did.</p> <p>8 Q. And what did you --</p> <p>9 A. I think I did, and it sounded like -- you</p> <p>10 know, that's why I wrote this e-mail.</p> <p>11 Q. What did you do to look into it?</p> <p>12 A. I think I spoke to her and got her -- got some</p> <p>13 more information about who -- what the conversation was.</p> <p>14 But I can't remember any more specifics about it.</p> <p>15 Q. Tell me everything you can recall --</p> <p>16 A. I told you. I told you what I can recall</p> <p>17 right now.</p> <p>18 Q. Let me just get the question out.</p> <p>19 Have you now told me everything you recall</p> <p>20 regarding what Ms. Ishida told you about calls she had</p> <p>21 received regarding this debt?</p> <p>22 A. I believe so.</p> <p>23 Q. Did she tell you how many calls were made?</p> <p>24 A. There were at least two, as I recall.</p> <p>25 Q. Did you and Melody Ishida exchange texts or</p>

<p style="text-align: right;">Page 94</p> <p>1 e-mails regarding this subject?</p> <p>2 A. No.</p> <p>3 Q. Did you come up with any hypothesis about how</p> <p>4 anyone obtained Melody Ishida's phone number?</p> <p>5 A. I can only speculate.</p> <p>6 Q. What's your speculation?</p> <p>7 A. That somebody at either LAW Recovery or Access</p> <p>8 was digging up trying to find out who my connections</p> <p>9 were, because they were trying to locate me when all</p> <p>10 this time I was sitting here at 800 West First Street.</p> <p>11 But I guess they were looking for me.</p> <p>12 Q. You don't know, as you sit here today, whether</p> <p>13 LAW Recovery or Access made these alleged calls to</p> <p>14 Melody Ishida, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Any other clients?</p> <p>17 A. I don't recall any sitting here right now.</p> <p>18 Q. Is Ms. Ishida still a practicing CPA in West</p> <p>19 L.A.?</p> <p>20 A. I believe she is, yeah.</p> <p>21 Q. And then you say "and acquaintances." "Please</p> <p>22 cease your phone calls to my family members, clients,</p> <p>23 and acquaintances."</p> <p>24 What acquaintances are you referring to?</p> <p>25 A. Well, Melody would also be an acquaintance.</p>	<p style="text-align: right;">Page 96</p> <p>1 BY MR. BERNSTEIN:</p> <p>2 Q. What acquaintances were getting calls?</p> <p>3 A. That's what I recall. I can't elaborate any</p> <p>4 further. I don't remember.</p> <p>5 Q. Was there a single acquaintance other than</p> <p>6 Melody that was getting calls?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you think that's something important?</p> <p>9 MR. TRUEBLOOD: It's argumentative. Calls for</p> <p>10 contention.</p> <p>11 BY MR. BERNSTEIN:</p> <p>12 Q. You're chuckling, but I'm not joking.</p> <p>13 Do you think it was important to be honest and</p> <p>14 forthright with Access Finance?</p> <p>15 A. I'm not responding to that.</p> <p>16 Q. Why?</p> <p>17 MR. TRUEBLOOD: It's argumentative.</p> <p>18 THE WITNESS: I'm not going to argue with you,</p> <p>19 Mr. Bernstein. Ask your questions.</p> <p>20 BY MR. BERNSTEIN:</p> <p>21 Q. You were less than honest when you wrote this</p> <p>22 e-mail, correct?</p> <p>23 MR. TRUEBLOOD: You can answer if you wish.</p> <p>24 THE WITNESS: That's not correct.</p> <p>25 ///</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. Okay. Why would you refer to her as a client</p> <p>2 and then separately as an acquaintance?</p> <p>3 A. I don't know. I was trying to be</p> <p>4 all-inclusive in this e-mail. I wanted the calls to</p> <p>5 stop.</p> <p>6 Q. Well, when you refer to "clients," you're only</p> <p>7 referring to one person; is that correct?</p> <p>8 A. There may have been others, but I can't recall</p> <p>9 at this point.</p> <p>10 Q. How would you refresh your recollection as to</p> <p>11 whether there were others?</p> <p>12 A. I would have to look through --</p> <p>13 MR. TRUEBLOOD: Objection. Calls for speculation.</p> <p>14 Lack of foundation.</p> <p>15 THE WITNESS: I don't know.</p> <p>16 BY MR. BERNSTEIN:</p> <p>17 Q. You started to say you would have to look</p> <p>18 through, and your lawyer objected. What were you going</p> <p>19 to say?</p> <p>20 A. I'm not sure what I would have to do. I can</p> <p>21 go back and ask a few people if they recall getting</p> <p>22 phone -- I don't know. I did know that my sister was</p> <p>23 getting calls, my daughter was getting calls, you know,</p> <p>24 Melody was getting calls.</p> <p>25 ///</p>	<p style="text-align: right;">Page 97</p> <p>1 BY MR. BERNSTEIN:</p> <p>2 Q. Continuing on this e-mail that you sent on</p> <p>3 June 15th, it says, "This is especially problematic when</p> <p>4 you call my family members' places of employment."</p> <p>5 You see where I'm referring to?</p> <p>6 A. I certainly do.</p> <p>7 Q. All right. How many places of employment do</p> <p>8 you believe were called?</p> <p>9 A. Hot Pilates. That's it. That's the big one.</p> <p>10 Q. Just one of them, right?</p> <p>11 Are you claiming that somebody called Jan's</p> <p>12 place of employment?</p> <p>13 A. I think my e-mail speaks for itself really.</p> <p>14 Q. The e-mail says --</p> <p>15 A. I don't -- I don't know.</p> <p>16 Q. Well, you apparently knew when you wrote this,</p> <p>17 because you put "family members'," S apostrophe, which</p> <p>18 suggests plural. You're a lawyer --</p> <p>19 A. If you're suggesting --</p> <p>20 MR. TRUEBLOOD: Hold on. There's no question</p> <p>21 pending. I'm not going to get into an argument on the</p> <p>22 record. Just ask your question.</p> <p>23 MR. BERNSTEIN: Right.</p> <p>24 BY MR. BERNSTEIN:</p> <p>25 Q. When you refer to "family members'," S</p>

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<p style="text-align: right;">Page 98</p> <p>1 apostrophe plural, who other than Laurel were you</p> <p>2 referring to?</p> <p>3 A. I was referring to Laurel. And I believe, as</p> <p>4 I'm sitting here thinking about it, that my sister</p> <p>5 received calls while she was at her place.</p> <p>6 Q. And where does your sister work -- or did she</p> <p>7 at that time?</p> <p>8 A. She's self-employed. She has her own fitness</p> <p>9 studio back East.</p> <p>10 Q. Well, we'll have to come back about that</p> <p>11 because you're going to have to, with counsel, figure</p> <p>12 out if you're going to call her as a witness or not. If</p> <p>13 you are, I expect to receive her contact information.</p> <p>14 Moving on, you wrote that "This creates</p> <p>15 questions and problems for them as it insinuates that</p> <p>16 they owe money to Access."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Okay. Now, this is before the repossession by</p> <p>20 months, right? This was in June of 2023?</p> <p>21 A. That's what it says.</p> <p>22 Q. Okay. And then on June 15th at 12:21 p.m.,</p> <p>23 Mr. Shruga responded in the middle there where he denies</p> <p>24 calling family members or your daughter's place of</p> <p>25 employment. Do you see that?</p>	<p style="text-align: right;">Page 100</p> <p>1 Was that an accurate statement?</p> <p>2 A. I'm not sure. It may have been.</p> <p>3 Q. He continues: "And you have avoided all</p> <p>4 contact with us for many months."</p> <p>5 Is that an accurate statement?</p> <p>6 A. No.</p> <p>7 Q. Did you reply in an e-mail saying that it was</p> <p>8 inaccurate?</p> <p>9 A. I don't believe so.</p> <p>10 Q. At the bottom of this e-mail from Mr. Shruga</p> <p>11 from June 15 says, "As an attorney, you are probably</p> <p>12 familiar with California Penal Code Section 154."</p> <p>13 Today, as you sit here, do you know what 154 says?</p> <p>14 A. Something about hiding the vehicle and there</p> <p>15 being a penalty for hiding the vehicle.</p> <p>16 Q. It's a felony.</p> <p>17 Did you look it up when you got this e-mail?</p> <p>18 A. Yeah, I probably did. And I wasn't hiding the</p> <p>19 vehicle, so I thought it was nonsense.</p> <p>20 Q. Well, it was maintained at a location which</p> <p>21 was not where you lived.</p> <p>22 A. That's not true.</p> <p>23 Q. You lived at Springpark?</p> <p>24 A. I already testified that I did not.</p> <p>25 Q. Okay. At the top there's an e-mail that looks</p>
<p style="text-align: right;">Page 99</p> <p>1 A. Do you want to scroll down so I can see it --</p> <p>2 scroll up so I can see it?</p> <p>3 Q. Sure.</p> <p>4 A. Okay.</p> <p>5 Q. Now, do you know when LAW Recovery was asked</p> <p>6 to repossess the vehicle?</p> <p>7 A. I do not.</p> <p>8 Q. Okay. Mr. Shruga denies calling anybody. He</p> <p>9 says that it might be a repo agent. And then he says,</p> <p>10 "Please call me to discuss your file immediately."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Did you?</p> <p>14 A. I recall calling -- trying to call him</p> <p>15 sometime around this time, and I got a voicemail or</p> <p>16 something. And I didn't receive anything back from him,</p> <p>17 and I didn't follow up on it.</p> <p>18 Q. Did you leave a message?</p> <p>19 A. I believe so.</p> <p>20 Q. And you never followed up?</p> <p>21 A. No.</p> <p>22 Q. Mr. Shruga wrote, "We are not willing to wait</p> <p>23 until July for you to begin making payments again. You</p> <p>24 are currently more than six months behind on your</p> <p>25 account."</p>	<p style="text-align: right;">Page 101</p> <p>1 like it's dated July 11th, 2023 where you say, "I've</p> <p>2 been traveling for the past few weeks and apologize for</p> <p>3 the late response. I can resume payments today. I can</p> <p>4 make two payments per month."</p> <p>5 Do you see where I'm referring to?</p> <p>6 A. Yes.</p> <p>7 Q. Did you make those payments?</p> <p>8 A. No, I didn't.</p> <p>9 Q. Why not?</p> <p>10 A. I asked Mr. Shruga, "Please let me know if I</p> <p>11 can initiate the first payment this afternoon." Do you</p> <p>12 see that?</p> <p>13 And he responded, "You need to return the</p> <p>14 vehicle today," so I did not make the payments.</p> <p>15 Q. Capital One statements were produced, starting</p> <p>16 with DG-79. I'm showing you the first page. Are you</p> <p>17 generally familiar with these?</p> <p>18 A. Am I generally familiar with them? They're my</p> <p>19 credit card statements.</p> <p>20 Q. All right. So did you produce all the credit</p> <p>21 card statements reflecting your claim to damages for</p> <p>22 loss of use?</p> <p>23 MR. TRUEBLOOD: You can rephrase that so it doesn't</p> <p>24 violate Rifkind.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 102</p> <p>1 BY MR. BERNSTEIN:</p> <p>2 Q. Do these Capital One statements embody 100</p> <p>3 percent of what you owe, that you're claiming that you</p> <p>4 owe?</p> <p>5 A. For what?</p> <p>6 Q. For renting a substitute vehicle.</p> <p>7 A. No.</p> <p>8 Q. Do you have more?</p> <p>9 A. I don't have more statements in my possession.</p> <p>10 Q. Why?</p> <p>11 A. One of the credit cards that was used</p> <p>12 initially for the initial rental for the month or two</p> <p>13 after the repossession was for a credit card that had</p> <p>14 since been closed. It was a Citibank card. And I had</p> <p>15 thought that I could still access these statements</p> <p>16 online, but I cannot. So I am communicating with</p> <p>17 Citibank to obtain physical copies of those statements.</p> <p>18 So I should have those pretty soon. So that's why.</p> <p>19 Q. How much are you claiming on the Citibank</p> <p>20 card?</p> <p>21 A. It's probably another 4- or 5,000. I have to</p> <p>22 see what's on there. I'm also trying to get information</p> <p>23 from Hertz. That was the company that I initially</p> <p>24 rented from on those contracts.</p> <p>25 Q. Did you try purchasing or leasing another</p>	<p style="text-align: right;">Page 104</p> <p>1 MR. BERNSTEIN: Well, it goes to motivation to</p> <p>2 bring a lawsuit. It has very little probable cause, if</p> <p>3 any. I'm entitled to that information.</p> <p>4 BY MR. BERNSTEIN:</p> <p>5 Q. So were you behind on your -- was that a</p> <p>6 mortgage or a rental apartment?</p> <p>7 A. I'm not answering any questions about anything</p> <p>8 like that.</p> <p>9 Q. Why not?</p> <p>10 MR. TRUEBLOOD: Privacy.</p> <p>11 MR. BERNSTEIN: I'm asking your client.</p> <p>12 MR. TRUEBLOOD: Privacy, and not relevant to any</p> <p>13 claim or defense.</p> <p>14 BY MR. BERNSTEIN:</p> <p>15 Q. At the time that this lawsuit was filed, did</p> <p>16 you need money?</p> <p>17 A. Everybody needs money, Mr. Bernstein.</p> <p>18 Q. Did you need money to bring your accounts and</p> <p>19 debts up to date?</p> <p>20 A. I'm not answering these questions.</p> <p>21 MR. TRUEBLOOD: These are harassing questions that</p> <p>22 are invading my client's private life.</p> <p>23 MR. BERNSTEIN: It goes to motivation to file this</p> <p>24 lawsuit.</p> <p>25 MR. TRUEBLOOD: That's not part of this case.</p>
<p style="text-align: right;">Page 103</p> <p>1 vehicle instead of renting?</p> <p>2 A. Excuse me?</p> <p>3 Q. Did you try purchasing another car or leasing</p> <p>4 another new car rather than paying nine grand over time</p> <p>5 for third-party rentals?</p> <p>6 A. No.</p> <p>7 Q. Why?</p> <p>8 A. I chose not to.</p> <p>9 Q. Why did you choose not to?</p> <p>10 A. Because I chose not to.</p> <p>11 Q. That, sir, is not an answer.</p> <p>12 A. I have my reasons.</p> <p>13 Q. I'm asking what your reasons are.</p> <p>14 A. I decided that it was not in my interest to do</p> <p>15 so.</p> <p>16 Q. Is it because your credit situation made it</p> <p>17 impossible to do so?</p> <p>18 A. No.</p> <p>19 Q. So you have sufficient credit to lease or buy</p> <p>20 a new car at this time?</p> <p>21 A. I believe so.</p> <p>22 Q. Are you up to date with your apartment rental</p> <p>23 or mortgage?</p> <p>24 A. I'm not answering questions about that.</p> <p>25 MR. TRUEBLOOD: Objection on privacy.</p>	<p style="text-align: right;">Page 105</p> <p>1 MR. BERNSTEIN: Well, fortunately, you're not the</p> <p>2 final arbiter of that.</p> <p>3 BY MR. BERNSTEIN:</p> <p>4 Q. Sir, if you're concerned about privacy, can</p> <p>5 you explain why you produced unredacted credit card</p> <p>6 bills with lots of charges from various other vendors?</p> <p>7 MR. TRUEBLOOD: It's a harassing question.</p> <p>8 Argumentative.</p> <p>9 BY MR. BERNSTEIN:</p> <p>10 Q. You can answer.</p> <p>11 A. I'm not answering these questions.</p> <p>12 Q. Why aren't you answering the last question?</p> <p>13 MR. TRUEBLOOD: Because they're improper.</p> <p>14 Harassing, argumentative, and irrelevant.</p> <p>15 MR. BERNSTEIN: That's not a grounds to instruct</p> <p>16 not to answer.</p> <p>17 MR. TRUEBLOOD: I haven't instructed --</p> <p>18 BY MR. BERNSTEIN:</p> <p>19 Q. Mr. Galanter, you're an attorney. You know</p> <p>20 you need to answer questions.</p> <p>21 A. I need to answer proper questions.</p> <p>22 Q. You have counsel for that. He's not</p> <p>23 instructed you.</p> <p>24 A. These are absurd questions.</p> <p>25 Q. Well, I respectfully disagree.</p>

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<p style="text-align: right;">Page 106</p> <p>1 A. Okay. We disagree then.</p> <p>2 Q. Well, the credit card statements you produced</p> <p>3 refer to Apple charges, Phillips 66 Gasoline,</p> <p>4 Marketplace, Modern Chinese Playa Vista. It's</p> <p>5 inconsistent with your claim that you're concerned about</p> <p>6 the privacy of your debt --</p> <p>7 MR. TRUEBLOOD: Don't answer. There's no question.</p> <p>8 THE WITNESS: I'm not answering these questions.</p> <p>9 MR. BERNSTEIN: I haven't finished posing the</p> <p>10 question.</p> <p>11 THE WITNESS: What's the question?</p> <p>12 BY MR. BERNSTEIN:</p> <p>13 Q. The question is other than the Honda, were you</p> <p>14 in arrears in any of your other debts?</p> <p>15 MR. TRUEBLOOD: Objection. Privacy. Relevance.</p> <p>16 BY MR. BERNSTEIN:</p> <p>17 Q. Yes or no?</p> <p>18 MR. TRUEBLOOD: Argumentative. Harassing.</p> <p>19 BY MR. BERNSTEIN:</p> <p>20 Q. I need an answer on the record. If you --</p> <p>21 A. I'm not answering these questions. You can</p> <p>22 move on.</p> <p>23 Q. Are you familiar with Business and Professions</p> <p>24 Code 6106?</p> <p>25 A. I don't have that memorized, Mr. Bernstein.</p>	<p style="text-align: right;">Page 108</p> <p>1 BY MR. BERNSTEIN:</p> <p>2 Q. Are you refusing to answer?</p> <p>3 A. I am refusing to answer. I'm not testifying</p> <p>4 at all about those proceedings or anything relating to</p> <p>5 them.</p> <p>6 Q. Are you aware -- do you have knowledge of any</p> <p>7 complaints by anybody else against my client?</p> <p>8 A. Not specifically, no.</p> <p>9 Q. What about generally?</p> <p>10 A. I may have heard some things about your</p> <p>11 client.</p> <p>12 Q. Who has told you information about my client?</p> <p>13 MR. TRUEBLOOD: You can answer if you have anything</p> <p>14 outside of our attorney-client relationship.</p> <p>15 MR. BERNSTEIN: Well, at first we need to lay a</p> <p>16 foundation. I just asked who. I didn't ask what.</p> <p>17 BY MR. BERNSTEIN:</p> <p>18 Q. Who provided you with information regarding my</p> <p>19 client?</p> <p>20 MR. TRUEBLOOD: You're asking the content of</p> <p>21 communication by asking it that way, so please exclude</p> <p>22 from your answer any attorney-client communications.</p> <p>23 BY MR. BERNSTEIN:</p> <p>24 Q. When you say, sir, that you've heard some</p> <p>25 things, what did you hear?</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Well, do you recall that the State Bar has</p> <p>2 charged you for offenses involving moral turpitude for</p> <p>3 violation of Business and Professions Code Section 6106?</p> <p>4 MR. TRUEBLOOD: Objection. Privacy. Irrelevant.</p> <p>5 Harassing.</p> <p>6 THE WITNESS: I'm not answering any questions</p> <p>7 pertaining to that proceeding other than to tell you</p> <p>8 it's been indefinitely abated. That's all I'm</p> <p>9 testifying to.</p> <p>10 BY MR. BERNSTEIN:</p> <p>11 Q. I saw that there's some abatement pending</p> <p>12 outcome of civil litigation. But my question was do you</p> <p>13 know what the section was. You said, I guess, you</p> <p>14 didn't know.</p> <p>15 Let me ask this question: Have those</p> <p>16 proceedings caused you to sustain emotional distress?</p> <p>17 MR. TRUEBLOOD: Same objections.</p> <p>18 THE WITNESS: I'm not testifying about those</p> <p>19 proceedings, Mr. Bernstein.</p> <p>20 BY MR. BERNSTEIN:</p> <p>21 Q. I'm asking about emotional distress from the</p> <p>22 proceedings, because you've sued my client for emotional</p> <p>23 distress.</p> <p>24 MR. TRUEBLOOD: Same objections.</p> <p>25 ///</p>	<p style="text-align: right;">Page 109</p> <p>1 MR. TRUEBLOOD: Same objection.</p> <p>2 THE WITNESS: I've heard that your client plays</p> <p>3 fast and loose with the law governing repossessions and</p> <p>4 is willing to breach the peace, trespass, and do other</p> <p>5 things to achieve repossession that are not countenanced</p> <p>6 by the law.</p> <p>7 BY MR. BERNSTEIN:</p> <p>8 Q. Who told you that?</p> <p>9 A. One of the people who mentioned that to me,</p> <p>10 now that I think about it, is Shane Lawler with the</p> <p>11 State of California, who told me that they've received</p> <p>12 other complaints.</p> <p>13 Q. Well, you're a lawyer. You know a</p> <p>14 complaint -- an allegation doesn't make something true,</p> <p>15 right?</p> <p>16 A. What is that -- so?</p> <p>17 Q. Okay. Shane Lawler. Who else?</p> <p>18 A. Other than that, I can't really say.</p> <p>19 Q. Is that because you don't remember or is it</p> <p>20 because you don't want to?</p> <p>21 A. No. Because it's -- the problem is I can't</p> <p>22 answer these questions that you're posing to me right</p> <p>23 now because if I answer -- no matter how I answer them,</p> <p>24 I might be violating attorney-client privilege.</p> <p>25 ///</p>

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1 **Q. Fair enough. I don't want you to do that.**
2 A. So I can't answer it. If I answer it
3 positively or negatively, it still reveals that it might
4 be attorney-client information, so I can't answer it.
5 **Q. Well, remember that the elements of an**
6 **attorney-client privilege objection requires a**
7 **confidential communication. This doesn't sound like you**
8 **would consider it to be confidential.**
9 A. I don't know why you say that.
10 **Q. Because the Evidence Code says it.**
11 A. No. I don't know why you're saying that.
12 **Q. Well, because I'm trying to ask you why you**
13 **believe my client plays fast and loose with laws**
14 **governing repossessions other than what a lawyer**
15 **representing you may have told you.**
16 A. And that's exactly my point, because depending
17 upon how I answer that, I'm revealing a confidential
18 attorney-client communication. So I really can't answer
19 that.
20 **Q. You can't answer --**
21 A. I would be revealing -- I might be revealing a
22 communication by answering negatively or positively
23 other than a conversation with your attorney have you
24 heard anything. And if I answered no, it's obviously
25 attorney-client communication, so I can't really answer

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1 it.
2 **Q. Well, it wouldn't be a confidential**
3 **communication, but --**
4 A. Well, that's your --
5 MR. TRUEBLOOD: Let's not have an argument. Why
6 don't you ask the question, David.
7 BY MR. BERNSTEIN:
8 **Q. The question is, other than Mr. Lawler, who**
9 **told you anything about my client's reputation?**
10 MR. TRUEBLOOD: I'll instruct you not to answer.
11 Attorney-client privilege.
12 BY MR. BERNSTEIN:
13 **Q. Other than your lawyers, who told you anything**
14 **about my client's reputation?**
15 A. That's exactly my point, because if I answer
16 "no one," then it's obviously from my attorney.
17 **Q. I'm entitled to that an answer.**
18 MR. TRUEBLOOD: I'll instruct him not to answer.
19 The answer, yes or no, would reveal attorney-client
20 communications.
21 MR. BERNSTEIN: Nonsense.
22 BY MR. BERNSTEIN:
23 **Q. Do you have any notes, documents, e-mails,**
24 **text messages that would refresh your recollection**
25 **regarding the members of the board that you may have**

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1 **spoken to in connection with the repossession?**
2 A. No.
3 **Q. Did you have any e-mail communications with**
4 **board members other than Gomez?**
5 MR. TRUEBLOOD: About what?
6 THE WITNESS: Gomez?
7 BY MR. BERNSTEIN:
8 **Q. The repossession. Cindy Gomez.**
9 A. I never had any communications with her.
10 **Q. Okay. But you've testified -- okay.**
11 **Did you have any communications in writing --**
12 **by that I include electronic, you know, electronic**
13 **communications -- with any of the board members**
14 **regarding the repossession?**
15 A. No.
16 **Q. Did you have any communications, whether**
17 **electronic or not, with any residents of the building**
18 **regarding the repossession?**
19 MR. TRUEBLOOD: Are we talking about oral
20 communications or documents?
21 MR. BERNSTEIN: Documents.
22 THE WITNESS: So you mean letters, texts, or
23 e-mails?
24 BY MR. BERNSTEIN:
25 **Q. Or social media posts presumably.**

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1 A. No.
2 **Q. TikTok. I don't know.**
3 A. No.
4 **Q. Did you have any telephone conversations with**
5 **residents of the building regarding the repossession?**
6 A. Not that I recall. Other than Jan and
7 Laurel -- they reside there -- no.
8 **Q. Did you have any face-to-face communications**
9 **with residents of the building regarding the**
10 **repossession other than your ex-wife and daughter?**
11 A. I think I testified to that. Gina for one.
12 That's the only one I recall.
13 **Q. Okay. Do you have color photographs of the**
14 **pictures of the gate mechanism?**
15 A. I believe so.
16 **Q. Other than what you've already told me here**
17 **today -- excluding what you've already told me, do you**
18 **have any reason to believe my client called you or your**
19 **acquaintances?**
20 MR. TRUEBLOOD: I'm going to instruct him not to
21 answer. It violates Rifkind v. Superior Court.
22 MR. BERNSTEIN: No, it doesn't.
23 BY MR. BERNSTEIN:
24 **Q. Other than what you've told me today, are you**
25 **aware of anyone from LAW Recovery calling you regarding**

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<p style="text-align: right;">Page 114</p> <p>1 the car?</p> <p>2 A. Calling me?</p> <p>3 Q. I'll go down the list.</p> <p>4 A. No.</p> <p>5 Q. Other than what you've already told me, are</p> <p>6 you aware of anybody calling Jan from LAW Recovery</p> <p>7 regarding the car?</p> <p>8 A. I don't recall that, no.</p> <p>9 Q. Other than what you've already told me, are</p> <p>10 you aware of anybody calling your daughter from LAW</p> <p>11 Recovery regarding the car?</p> <p>12 A. Not other than what I've testified to</p> <p>13 previously.</p> <p>14 Q. Same question for Ms. Ishida. Other than what</p> <p>15 you've already told me, are you aware of LAW Recovery</p> <p>16 calling Ms. Ishida in connection with the car?</p> <p>17 MR. TRUEBLOOD: Misstates the record.</p> <p>18 THE WITNESS: Nothing other than what I've</p> <p>19 testified to.</p> <p>20 MR. BERNSTEIN: Okay. We're not able to conclude</p> <p>21 the deposition because many evidentiary items I've</p> <p>22 requested have not been produced, including the video,</p> <p>23 and there have been numerous Rifkind instructions that</p> <p>24 are in opposite in my view. We'll have to consult the</p> <p>25 magistrate. So we can adjourn for today.</p>	<p style="text-align: right;">Page 116</p> <p>1 they may be -- but from our point of view this</p> <p>2 deposition is over.</p> <p>3 (Plaintiff's Exhibit 1 was marked for</p> <p>4 identification and is attached hereto.)</p> <p>5 MR. BERNSTEIN: It's not over, but we can adjourn.</p> <p>6 Anything else?</p> <p>7 THE REPORTER: Mr. Trueblood, do you want to order</p> <p>8 a copy?</p> <p>9 MR. TRUEBLOOD: Let me think on that.</p> <p>10 THE REPORTER: Okay.</p> <p>11 (Deposition concluded at 4:28 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 115</p> <p>1 MR. TRUEBLOOD: What video?</p> <p>2 MR. BERNSTEIN: The video that was embedded in the</p> <p>3 text message.</p> <p>4 THE WITNESS: That wasn't a video. It was a</p> <p>5 voicemail.</p> <p>6 MR. BERNSTEIN: Okay. A voicemail.</p> <p>7 THE WITNESS: And I don't know if it's relevant or</p> <p>8 not. I'm happy to go back to retrieve it, and we'll</p> <p>9 see.</p> <p>10 MR. TRUEBLOOD: Hang on. I'm just going to state</p> <p>11 our position for the record. It hadn't been requested</p> <p>12 as far as I know. You can point out to me later off the</p> <p>13 record where you believe it was requested, and we'll</p> <p>14 consider that.</p> <p>15 I have objections to the document demands</p> <p>16 which I'm going to send to Ms. Gatliff and counsel. If</p> <p>17 you can give me your e-mail, I'll send it right now.</p> <p>18 THE REPORTER: Can we go off the record?</p> <p>19 MR. TRUEBLOOD: Yes.</p> <p>20 (Discussion held off the record.)</p> <p>21 MR. TRUEBLOOD: I'm going to mark as Exhibit 1</p> <p>22 objections to the notice of deposition, this notice of</p> <p>23 deposition, including objections to the document demands</p> <p>24 therein. And I'll state for the record that we consider</p> <p>25 the deposition concluded. And subject to any rulings as</p>	<p style="text-align: right;">Page 117</p> <p>1 DECLARATION UNDER PENALTY OF PERJURY</p> <p>2</p> <p>3</p> <p>4 I, DOUGLAS GALANTER, the witness herein,</p> <p>5 declare under penalty of perjury that I have read the</p> <p>6 foregoing deposition in its entirety and that the</p> <p>7 testimony contained therein, as corrected by me, is a</p> <p>8 true and accurate transcription of my testimony elicited</p> <p>9 at said time and place.</p> <p>10</p> <p>11 Dated this _____ day of _____,</p> <p>12 2024.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 _____</p> <p>17 DOUGLAS GALANTER</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<div>Page 118</div> <div>1 REPORTER'S CERTIFICATE</div> <div>2</div> <div>3 I, Lisette Gatliff, CSR No. 12467, a Certified</div> <div>4 Shorthand Reporter within and for the State of</div> <div>5 California, do hereby certify:</div> <div>6 That prior to being examined, the witness</div> <div>7 named in the foregoing deposition solemnly stated that</div> <div>8 the testimony given in this deposition would be the</div> <div>9 truth, the whole truth, and nothing but the truth;</div> <div>10 That said deposition was taken before me</div> <div>11 remotely and was taken down by me in shorthand and</div> <div>12 thereafter reduced to computerized transcription under</div> <div>13 my direction and supervision, and I hereby certify the</div> <div>14 foregoing deposition is a full, true, and correct</div> <div>15 transcript of my shorthand notes so taken;</div> <div>16 I further certify that I am neither counsel</div> <div>17 for, nor related to, any party to said action, nor in</div> <div>18 any way interested in the outcome thereof.</div> <div>19</div> <div>20 Dated this 2nd day of December,</div> <div>21 2024, at La Habra, California.</div> <div>22 <u>Lisette Gatliff</u></div> <div>23</div> <div>24 Lisette Gatliff, CSR No. 12467</div> <div>25</div>	
<div>Page 119</div> <div>1 Errata Sheet</div> <div>2</div> <div>3 NAME OF CASE: DOUGLAS GALANTER vs ACCESS FINANCE, , INC., et al.</div> <div>4 DATE OF DEPOSITION: 11/18/2024</div> <div>5 NAME OF WITNESS: Douglas Galanter</div> <div>6 Reason Codes:</div> <div>7 1. To clarify the record.</div> <div>8 2. To conform to the facts.</div> <div>9 3. To correct transcription errors.</div> <div>10 Page _____ Line _____ Reason _____</div> <div>11 From _____ to _____</div> <div>12 Page _____ Line _____ Reason _____</div> <div>13 From _____ to _____</div> <div>14 Page _____ Line _____ Reason _____</div> <div>15 From _____ to _____</div> <div>16 Page _____ Line _____ Reason _____</div> <div>17 From _____ to _____</div> <div>18 Page _____ Line _____ Reason _____</div> <div>19 From _____ to _____</div> <div>20 Page _____ Line _____ Reason _____</div> <div>21 From _____ to _____</div> <div>22 Page _____ Line _____ Reason _____</div> <div>23 From _____ to _____</div> <div>24</div> <div>25</div>	